James W. Morphy to be postmaster at Russell, Kans., in place of Lavelle H. Boyd. Incumbent's commission expires June 2, 1914.

KENTUCKY.

George W. Snyder to be postmaster at Warsaw, Ky., in place of W. B. Graham. Incumbent's commission expires May 19, 1914.

LOUISIANA.

E. O. Lalande to be postmaster at Napoleonville, La., in place of E. T. Dugas. Incumbent's commission expired January 26, 1914.

Washington J. P. Prescott to be postmaster at Garyville, La., in place of Robert E. Rosenberger. Incumbent's commission expires May 24, 1914.

MAINE.

Alfred T. Hicks to be postmaster at Auburn, Me., in place of Winchester G. Lowell. Incumbent's commission expired April 12, 1914.

Morrill McKenney to be postmaster at Richmond, Me., in place of Thomas G. Herbert. Incumbent's commission expires May 31, 1914.

MARYLAND.

Thomas Y. Franklin to be postmaster at Berlin, Md., in place of Charles C. Mumford. Incumbent's commission expired May 2, 1914.

Oliver C. Giles to be postmaster at Elkton, Md., in place of George M. Evans. Incumbent's commission expired March 28, 1914.

MASSACHUSETTS.

Lawrence J. Dugan to be postmaster at Webster, Mass., in place of William I. Marble. Incumbent's commission expired December 13, 1913.

John M. Hayes to be postmaster at North Abington, Mass., in place of Ernest W. Calkins. Incumbent's commission expired April 29, 1914.

William J. Kenney to be postmaster at Attleboro, Mass., in place of John A. Thayer. Incumbent's commission expired March 31, 1914.

Eugene Meagher to be postmaster at Rockport, Mass., in place of William Parsons. Incumbent's commission expired March 17, 1914.

MICHIGAN.

Edgar W. Farley to be postmaster at Yale, Mich., in place of E. Harvey Drake. Incumbent's commission expires May 25, 1914.

H. W. Hagerman to be postmaster at Sturgis, Mich., in place of Chauncey J. Halbert. Incumbent's commission expires June 2, 1914.

James A. King to be postmaster at Manistee, Mich., in place of William J. Barnhart. Incumbent's commission expired April 1, 1914.

Charles E. Lovejoy to be postmaster at Milford, Mich., in place of John E. Crawford. Incumbent's commission expired April 1, 1914.

F. W. Richey to be postmaster at Dowagiac, Mich., in place of Julius O. Becraft. Incumbent's commission expired March 17, 1914.

MINNESOTA.

Michael J. Daly to be postmaster at Perham, Minn., in place of George M. Young. Incumbent's commission expired April 13, 1914.

MISSOURI.

Henry S. Hook to be postmaster at Jamesport, Mo., in place of James C. Harrah. Incumbent's commission expired March 28, 1914.

MONTANA.

Clemens H. Fortman to be postmaster at Helena, Mont., in place of George W. Lanstrum. Incumbent's commission expires May 17, 1914.

Samuel Hilburn to be postmaster at Kalispell, Mont., in place of James R. White. Incumbent's commission expires May 31, 1914.

NEBRASKA.

J. O. Blauser to be postmaster at Diller, Nebr., in place of Samuel C. Hutchinson. Incumbent's commission expired January 12, 1914.

Claude J. Brown to be postmaster at Lynch, Nebr., in place of Albert C. McFarland. Incumbent's commission expired March 1, 1913.

Thomas T. Osterman to be postmaster at Blair, Nebr., in place of Wesley J. Cook. Incumbent's commission expired April 20, 1914.

Edward W. Roche to be postmaster at Kimball, Nebr., in place of Isaac Roush. Incumbent's commission expired December 17, 1912.

NEW JERSEY.

John J. O'Hanlon to be postmaster at South Orange, N. J., in place of Frederic B. Taylor. Incumbent's commission expired April 20, 1914.

George N. Smith to be postmaster at Wildwood, N. J., in place of J. Albert Harris. Incumbent's commission expired February 21, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1914.

PROMOTIONS IN THE NAVY.

Rear Admiral Charles F. Pond to be a rear admiral.
Commander Thomas Washington to be a captain.
Lieut. Commander James P. Morton to be a commander.
Capt. Walter McLean to be a rear admiral.
Asst. Naval Constructor Alexander H. Van Keuren to be a naval constructor.
Asst. Naval Constructor Edwin G. Kintner to be a naval constructor.
Asst. Naval Constructor Fred G. Coburn to be a naval constructor.
Pharmacist Richard F. S. Puck to be a chief pharmacist.

POSTMASTERS.

CALIFORNIA.

George R. Bellah, Oxnard.
Wright S. Boddy, Oakdale.
James A. Lewis, Carpinteria.
Lottie L. Miracle, Campbell.
Joseph Scherrer, Placerville.
James F. Trout, Avalon.
J. D. Wagnon, Sonoma.

KENTUCKY.

Goalder Johnson, Hickman.

MICHIGAN.

Peter F. Gray, Lansing.
John Loughnane, Lapeer.

VERMONT.

Patrick H. Harty, Saxtons River.

WYOMING.

Perle R. Herrin, Hanna.

WITHDRAWAL.

Executive nomination withdrawn May 6, 1914.

Thomas E. Glass to be postmaster at Jackson, Tenn.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 6, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy kingdom come in all fullness and possess our minds and hearts, that with a clearer vision, a wider sweep of knowledge, and a more earnest desire to do Thy will we may work together with Thee for the destruction of evil, that righteousness may be established in the earth, the longings of our souls be fulfilled, and all the world rejoice together in peace and happiness. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL EXERCISES AT NAVY YARD, BROOKLYN, N. Y.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring), That for the representation of the Congress at the exercises to be held at the navy yard in Brooklyn, N. Y., on Monday, May 11, 1914, in honor of the men of the Navy and Marine Corps who lost their lives at Vera Cruz, Mexico, there shall be appointed by the Vice President 7 Members of the United States Senate and by the Speaker 15 Members of the House of Representatives.

SEC. 2. That the expenses of the committee shall be defrayed in equal parts from the contingent appropriations of the Senate and House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Reserving the right to object, will the gentleman from New York make some statement in reference to the resolution.

Mr. FITZGERALD. Mr. Speaker, on Monday morning next, May 11, the bodies of some 18 sailors and marines who were killed at Vera Cruz, Mexico, are to arrive in Brooklyn upon a United States battleship. Memorial exercises are to be held at the navy yard and, according to the statements that have appeared in the public press, the President, the Secretary of the Navy, the Admiral of the Navy and his staff, on behalf of the Government, are to be present, and the city of New York is officially to participate in these ceremonies. For that reason I offer this resolution, which provides that the Congress shall be officially represented at these ceremonies.

Mr. SABATH. May I inquire of the gentleman what the resolution provides as to the number of Representatives and Senators? I have introduced a similar resolution asking for 50 Members of the House and 15 Members of the Senate.

Mr. FITZGERALD. I have not seen the gentleman's resolution.

Mr. SABATH. I introduced it this noon, and that is the reason I made the inquiry.

Mr. FITZGERALD. This resolution provides for 7 Members of the Senate and 15 Members of the House. My recollection is that usually the representation of the House is larger than the representation of the Senate, but the Senate can fix its representation as it sees fit.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

IRRIGATION OF ARID LANDS.

Mr. CONNELLY of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of irrigation of arid lands.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of arid lands. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 9628) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000, exacted of them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, was by mistake referred to the Union Calendar. It should be on the Private Calendar. Without objection, the correction will be made.

There was no objection.

LAWS RELATING TO THE JUDICIARY.

The SPEAKER. The unfinished business is the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If under the rules a Member should make a motion to dispense with Calendar Wednesday, and that motion should carry, what would be before the House?

The SPEAKER. The naval appropriation bill.

Mr. MURDOCK. There would be no chance to get to either one of the calendars?

The SPEAKER. To answer the gentleman further, of course you could not get the naval appropriation bill up without a vote of the House. If that was voted down, then the ordinary business would be before the House.

Mr. MURDOCK. Which would be the call of committees.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. If there was a privileged bill on the calendar, that would be in order.

The SPEAKER. Of course, and as a matter of fact, there are two appropriation bills on the calendar.

Mr. MURDOCK. But they would have to be called up, and if they were not called up the Speaker would order a call of committees.

Mr. MANN. Nothing else is privileged.

The SPEAKER. There might be some other privileged matter. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WATKINS. Mr. Chairman, on last Wednesday section 13 was temporarily passed so as to allow some information to be obtained. I now ask that that section be read.

The Clerk read as follows:

SEC. 13. In all States and Territories where there are reservations or allotted Indians the United States district attorney shall represent them in all suits at law and in equity.

Mr. WATKINS. For the purpose of getting the matter properly before the House I will move to strike out the last word and ask the Clerk to read the communication from the Commissioner of Indian Affairs, which I send to the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 5, 1914.

Hon. JOHN T. WATKINS,
Chairman Committee on Revision of Laws,
House of Representatives.

MY DEAR MR. WATKINS: I have your letter of April 30, wherein you ask for information as to the provision in the act of March 3, 1893 (27 Stat. L., 631), whereby United States attorneys are called upon to represent Indians in suits at law and equity, and which provision is section 13 of H. R. 15578, a bill to codify, revise, and amend the laws relating to the judiciary.

This provision of law is important and necessary, and should not be stricken from the bill under consideration by your committee.

Not many of the Indians, considering the entire population, are in a position to employ counsel to represent them in legal proceedings. There are but few tribal attorneys, and it is doubtful whether it might be considered a part of their duties to represent the Indians. This section of law therefor affords, in many instances, the only means of procuring counsel for the Indians in order to prosecute or defend their rights, and is a necessity of which they should not be deprived.

I earnestly recommend that the item be left in the bill.

Very truly, yours,

CATO SELLS, *Commissioner.*

Mr. STEPHENS of Texas. Mr. Chairman, in the State of Oklahoma each of the Five Civilized Tribes have employed an attorney at a stipulated price, who attends to all the business of these Indians as tribes and as allotted individuals. What I desire to ask the gentleman is whether or not the authorization of the United States attorneys under this section 13 would in any way repeal the law regulating the duties of these employed attorneys by the tribes?

Mr. WATKINS. From the communication which I have had read from the Commissioner of Indian Affairs I do not think so. They are familiar with the facts in the matter, and they say the section should be left in for the protection of the Indians, and that it would in no way conflict with any other law.

Mr. STEPHENS of Texas. I think it necessary that they should be represented by competent counsel. There are no Indians that have employed attorneys except the Five Civilized Tribes.

Mr. GREEN of Iowa. This section in the bill is the present law?

Mr. STEPHENS of Texas. Mr. Chairman, I asked the question in order to know what would be the result if there was a conflict between the two authorities. I suppose they will settle that among themselves. I think the law is a good one. I have no objection to it.

Mr. WATKINS. Mr. Chairman, I withdraw the pro forma amendment.

Mr. STAFFORD. I think some action ought to be taken on section 13.

The CHAIRMAN. The gentleman can make a motion to strike the section out if he desires.

Mr. WATKINS. Mr. Chairman, it was simply passed over for further consideration.

Mr. STAFFORD. With no motion pending?

Mr. WATKINS. No.

Mr. STAFFORD. Did the gentleman ask to return to that section?

Mr. WATKINS. Yes; on last Wednesday I asked to postpone consideration of that section until to-day, and this morning the section has been reread, and a communication from the Commissioner of Indian Affairs has been read to show that it is necessary to remain in the statute.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 36. Every clerk of a district court or circuit court of appeals, before entering upon the duties of his office, shall give bond to the United States in a sum not less than five thousand and not more than forty thousand dollars, to be determined by the Attorney General, with sufficient sureties, to be approved by the court for which he is appointed, faithfully to discharge the duties of his office, and to lawfully account for, pay over, and disburse all moneys received by him as clerk;

and seasonably to record the decrees, judgments, and determinations of the court for which he is clerk. Whenever the business of the courts in any judicial district shall make it necessary in the opinion of the Attorney General for the clerk to furnish greater security than the official bond theretofore given, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney General, who shall fix the amount thereof. It shall be the duty of the district attorneys, upon requirement by the Attorney General, to give 30 days' notice of motion in their several courts that new bonds, in accordance with the terms of this section, are required to be executed; and upon failure of any clerk to execute such new bonds his office shall be deemed vacant. All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively, under seal of court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

Mr. WATKINS. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 9, after the word "appeals," insert the words "including the clerks of the district courts for Hawaii and Porto Rico."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, I should like to inquire of the chairman of the committee whether there is any necessity for extending the provision to include the district courts of the Territory of Alaska?

Mr. WATKINS. Mr. Chairman, in the organic act of Alaska that is provided for and it is not necessary.

Mr. STAFFORD. Does not the gentleman think there should be some provision incorporated in the codification?

Mr. WATKINS. No; that will be attended to when we reach that in its regular order, if we ever succeed in doing so.

Mr. STAFFORD. If the chairman is to give consideration to that later, I do not want to press it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I have another committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 14, after the word "office," strike out the words "and to lawfully account for, pay over, and disburse all moneys received by him as clerk" and insert in lieu thereof the following: "And to lawfully account for all moneys received or earned by him as clerk."

Mr. WATKINS. Mr. Chairman, the object of the amendment is simply to compel the clerk to account for the money earned by him as well as fees received by him.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Yes.

Mr. STAFFORD. I understand that under the existing practice the clerks are entitled to collect certain prescribed fees, and then if the fees are in excess of the salary for that office he is obliged to turn the excess amount over to the Government. Would not this provision compel him to turn all of the fees over, regardless of whether they are a part of his salary or not?

Mr. WATKINS. Yes; it would require him to account for them, but not to absolutely turn them over.

Mr. STAFFORD. I understood the amendment proposed by the gentleman was to account for and pay over all moneys received and earned?

Mr. WATKINS. Mr. Chairman, I will state to the gentleman the status. Further on in the bill the gentleman will find that the clerks are placed on a salary basis. They are required to charge certain fees of office. Those fees of office are accounted for and paid over, but while they are paid over, if there is an excess over the amount of the salary which is designated in the bill, which is $5,000, that excess goes into the Treasury. If it does not reach more than that amount, then the clerk in effect retains the fees, but the fees must be accounted for and paid over. In other words, the clerks are to be paid salaries, but at the same time they account for and pay over the fees of office.

Mr. STAFFORD. At the present time, as I understand it, all the clerks are on a fee basis.

Mr. WATKINS. Yes; they charge fees and collect those fees, and by the provisions of this bill if the fees aggregate more than $5,000, then the fees are turned over into the Treasury, and if they do not amount to more than $5,000, the salary of the clerk is paid out of the fees.

Mr. STAFFORD. The salary of all clerks at the present time is not in excess of $5,000, provided the fees equal that amount?

Mr. WATKINS. That is correct, so far as this bill provides.

Mr. STAFFORD. And it is proposed in a subsequent provision in this bill to change that system and prescribe definite salaries for the clerks?

Mr. WATKINS. That is, they are placed on a salary basis, and the reason for that is this: There were clerks of the district court and clerks of the circuit court, and those clerks are now doing only the work of the district court, because the circuit courts have been abolished. In effect, they have double the work that they used to have. They used to get $3,500 and fees.

Mr. STAFFORD. The provisions which the committee have incorporated in the bill prescribe stated salaries for the clerks. Has the gentleman followed the bill recommended by the Committee on the Judiciary, which is now upon the calendar, prescribing the salaries of clerks?

Mr. WATKINS. No. That bill has not yet become a law. We did not feel authorized to incorporate that because of the fact that the commission which was authorized to do that class of work had not passed upon it. Wherever the commission, authorized to embody in their revision new laws, and they recommend it, we incorporate that new law, but unless the law had actually been passed by Congress we did not feel authorized to insert any new law.

Mr. STAFFORD. Did the committee incorporate in this instance and in the other instances the recommendations of the commission without passing upon the merits of the proposition?

Mr. WATKINS. I might say that largely we did.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. STAFFORD. Mr. Chairman, I ask that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WATKINS. Mr. Chairman, I will say that there are several instances in which I, as chairman of the committee, and members of the committee would have slightly changed the phraseology, and in some instances we might possibly have changed the substance, if it had not been for the fact that we were afraid of causing a confusion and a conflict with the decisions already rendered and bringing about an entanglement. For that reason we were so cautious as to go substantially by the recommendations of the commission until we came to a law that had been repealed or amended. When that had been done, we felt compelled under our duties to leave out the law repealed and put the language of the new law in the bill.

Mr. STAFFORD. Now, as I recall—perhaps my memory is at fault—when the joint committee, of which Judge MOON was chairman, had charge of this judiciary title in the Sixty-first Congress, it was stated that they did not necessarily follow the recommendations of the commission, but that in many instances they departed from the recommendations and failed to incorporate their recommendations in their report. Am I correct or not in that position?

Mr. WATKINS. I will state to the gentleman that being a member of the Committee on the Revision of the Laws at that time, and having passed upon that bill, I can state correctly that almost entirely the report of the commission was adopted. There may have been some few instances where the phraseology was slightly changed or an instance or two where the idea of the commission might have been changed, but they were rather the exceptions if at all. I believe I understand what the gentleman is referring to, and that was the abolition of the circuit courts; but that was the recommendation of the commission, if that is what the gentleman had in mind.

Mr. STAFFORD. It was not only limited to that instance throughout that large bill, but the committee departed from the recommendations of the permanent codification commission.

Mr. WATKINS. I just received on yesterday a letter from Hon. W. D. Bynum, a member of that commission, in which he calls my attention to the fact that the proposition by the gentleman is not correct, but that in fact, substantially to all intents and purposes, the entire codification as recommended by the commission was enacted in the bill known as the judiciary title No. 1.

Mr. STAFFORD. Now, that brings up the question which was before the committee last week, as to the inability of the committee to obtain the very valuable notes and work compiled by the joint committee, which, upon the death of Senator Heyburn, were transferred to the Secretary of the Senate for safe keeping. As I recall, the gentleman said he made a request upon the Secretary or some person connected with the Senate for the use of these papers and that they were refused. I am authoritatively informed—and I am considerably interested in this, as all members of the committee are, because we know that the attorney assigned by the Department of Justice, Mr. Lott, who is still connected with the service, was a most painstaking and efficient official and performed very conscientious work in going over the report of the commission——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be further extended for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Louisiana may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. And that that data is now available for the committee, if they desire it—that the Secretary of the Senate replied to the gentleman when he received the chairman's request that it was only necessary to have some order of the Senate, so that the Senate might be able to have this data now in their possession returned whenever it was necessary, and that the Secretary of the Senate, in his letter to the gentleman, requested him to call upon him and arrange for an interview with some Senator who was a member of this joint committee, whereby some arrangement could be made, and that thereafter he received no reply whatsoever from the gentleman, the chairman of the committee.

Mr. WATKINS. Now, in reply, I wish to state, to begin with, that Judge Lott was a most valuable employee to the Joint Committee on Revision of the Laws of the House and Senate, as well as a member of the former commission, the labors of which ceased in 1906, and that Mr. Bynum was also a very valuable member of that commission to codify and revise the laws.

Mr. STAFFORD. He was a member of the commission?

Mr. WATKINS. He was a member of the commission, a very able man, a very efficient man from my experience in doing this work, and I have been in communication with both of them. More than that, I have been in communication with the brother of Senator Heyburn, who was also employed as a special employee by the Joint Committee on the Revision of the Laws, and have had assistance for a part of the time of Judge Lott during the arrangement of this bill, preparing the bill for the House, and I was assured that there would be no trouble at all; and following the suggestion of each and every one of them that there would be no trouble at all in having the papers which went in the report of the Senate placed in the hands of the committee which was doing the actual work of codification, I have no complaint to make of the Secretary of the Senate as to the course he took. I do not intend to reflect upon him at all. We were advised as to the location of these papers, and I addressed, with all respect and deference, this communication, and when it was received it had such conditions and such requirements connected with it I did not feel like it was necessary, that with the assistance which the committee had and in the progress we were making with it and with the benefits which we were deriving from the work which we had before us of the commission, the volume containing the work of the commission, we did not consider it necessary that we should comply with the conditions as a prerequisite that were put upon us by the Secretary of the Senate.

Mr. STAFFORD. As I understand the situation, the Secretary of the Senate only stated that at that time he could not deliver over this valuable data, but that he requested an interview with the gentleman so as to have an order of the Senate passed whereby these documents could be transferred to the committee—to my mind a very reasonable request—and that no notice whatsoever was taken by the gentleman or his committee to that request; and the reason for making the request for an interview was this, that Senator SUTHERLAND, who was formerly a member of that joint committee, believed that this joint committee would probably be re-created; and if it is the Senate will have need again of this valuable compilation.

Now, for one I recognize that this data as compiled by Mr. Lott would be of valuable service to the committee, and as this bill is likely to consume all the Calendar Wednesdays from now until the end of the session, and as the committee could have the use of that between Wednesdays to go over, I can see where the committee could obtain most valuable information for the use of the House if the gentleman would but apply to the Secretary for those documents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, I would like to have just two or three minutes to answer that last question.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Louisiana may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WATKINS. I will state to the gentleman that while the requirements of the Clerk do not on their face appear unreasonable, it was not, on account of the controversy which had arisen with reference to the re-creation of this joint committee, deemed advisable by the chairman of the Committee on Revision of the Laws to comply with the requirements and stipulations made by the Secretary of the Senate. It is not necessary to go into detail to explain why this joint committee has not been re-created. But there are reasons which are supposed by some to be sufficient reasons. It may be that it is best that the joint committee should not be appointed. I do not know. That is in controversy. But, so far as the chairman of the Committee on Revision of the Laws is concerned, the bill has been introduced by the chairman as an individual Member of the House, to ask for the appointment of this joint committee, and that has laid in the committee room without any action on it at all.

Mr. STAFFORD. The gentleman will agree that this work on which Mr. Lott was engaged for so many years, and which is now in possession of the Senate, would be a valuable aid to his committee in passing upon these sections, because it represents the work of Mr. Lott, who was employed for years and years by the commission and later by the joint committee.

Mr. WATKINS. I suppose it would; but we did not know of the location of it until we had nearly finished the bill.

Mr. STAFFORD. Until about March of this year?

Mr. WATKINS. Along about there.

Mr. GREEN of Iowa. Mr. Chairman, I ask that the amendment be again reported. I could not hear it distinctly before.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

Mr. GREEN of Iowa. Mr. Chairman, I do not understand the necessity for this amendment. I do not wish to be captious, but it seems to me that the language as it stands now is superior to that which is proposed by the amendment. A clerk can not account for moneys that he does not receive, and I fail to see the object of this provision.

Mr. WATKINS. Will the gentleman permit an interruption?

Mr. GREEN of Iowa. Certainly.

Mr. WATKINS. I will say to him that the clerk simply accounts for moneys. He is not required to pay over any money which he does not receive, but he simply accounts for it, because he charges up every item in his fee bill when he does the work, and the Government is to get the benefit of it, and the officials of the Government must know to whom to look to make collection of the amount.

Mr. GREEN of Iowa. I fear the gentleman has not correctly taken the definition of the word "account." In my opinion it does not include such action as is referred to by the chairman. I think that a man can not account for funds which he has not received.

Mr. WATKINS. You will see the words "pay over" were left out of the amendment.

Mr. GREEN of Iowa. It is true the words "pay over" are left out of the amendment, but that does not help the situation. All of this language, in my judgment, could be left out of the bill without any injury, because if a clerk correctly discharges the duties of his office as is provided by the language preceding——

Mr. BARTLETT. May I suggest to the gentleman that certainly the word "disburse" ought not to be left out of the bill, because the clerk is the register of the court, and he holds the money that is deposited with the register of the court, and he disburses it, and only disburses it upon certain orders of the judge? He deposits it in the bank and pays it over to those entitled to it. I think the word "disburse" should be left in the bill.

Mr. GREEN of Iowa. But that is left out by the amendment, as I understand.

Mr. BARTLETT. That is left out. And the words "pay over" ought to be left in, because he has to account for and pay over the amount that is received for salaries. If the fees in the office exceed the amount paid for salaries, he has to pay that over to the United States and account for it.

Mr. GREEN of Iowa. I will say that if any of these words appear in the bill, this word "disburse" ought to be there also.

Mr. BARTLETT. I think so, too.

Mr. GREEN of Iowa. I think the amendment as now proposed——

Mr. MANN. Will the gentleman from Iowa [Mr. GREEN] yield for a question?

Mr. GREEN of Iowa. With pleasure.

Mr. MANN. As I understand the amendment, it only requires the clerk to account for the fees received or earned. It does not require him, as the present bill reads, to pay over the money. So would it not be the case that fees earned, but not received, the clerk would account for by so stating?

Mr. GREEN of Iowa. That would be true only, I think, as to fees which have been actually received. I am at a loss to understand how a man can account for money he has never received.

Mr. MANN. This does not say "moneys." This says "fees earned." He can account for fees earned as earned, but not collected, as it seems to me, under that amendment.

Mr. GREEN of Iowa. The original provision was "moneys earned." I have forgotten the exact provision in the amendment.

Mr. MANN. No; this provision is to lawfully account for and pay over and disburse all moneys received by him as clerk. I do not know that the word "moneys" would make any difference. This provision requires him to pay over.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GREEN] has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, under the amendment he is not required to pay over moneys that he has earned but not collected, but to account for them. In other words, he has to account for all the fees earned. He may account for them as being part not collected. If he collects them, then he must account for the disposition of the money. I am using positive language, but I am asking for the gentleman's judgment more than expressing a judgment of my own.

Mr. GREEN of Iowa. I am inclined to think the gentleman from Illinois is correct as to the words "pay over," which ought to go out of the bill in any event, because the clerk receives certain money which he may not be required to pay over. But the clerk also earns money that he never receives, and, therefore, in my judgment, is under no obligation to account for it other than to make the necessary record in his books, which he would do if he discharged the duties of his office faithfully.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana.

The Clerk read as follows:

Page 15, line 22, strike out the word "forty" and insert the words "one hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 37. In case of a breach of the condition of a bond of a clerk of a circuit court of appeals or district court, the United States or any person thereby injured may institute suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form. If individual suing fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and in case the United States shall fail to recover, costs of the suit shall be borne by the Government.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. BARTLETT. This is a new law. Why is it necessary, I will ask the gentleman from Louisiana, to provide, if the party fails to recover his suit, judgment shall be rendered and issued for costs? Is not that the law now?

Mr. WATKINS. That is with reference to some of the other officials.

Mr. BARTLETT. It is so in all cases except in equity cases.

Mr. WATKINS. We wanted it to apply to all.

Mr. BARTLETT. In every case except equity cases, I understand, that is the practice in the courts of the United States. In a common-law suit, where the party is cast in the suit, judgment for costs follows, unless it be in certain classes of suits where the plaintiff does not recover as much damages as costs, in which event the plaintiff recovers only so much costs as damage. I do not see why it is necessary that in a common-law suit you should say that in case the Government fails to recover, the cost shall be assessed against the Government, as in a case where an individual fails to recover. A chancery judge can in an equity case apportion the costs among the parties according to what he may deem proper and equitable. In a common-law suit it follows, as a matter of course, that the costs follow the verdict and the judgment. I do not see any necessity for this, and I therefore ask why.

Mr. WATKINS. The other officials have this provision applying to them. This is simply made to cover the clerk also.

Mr. GREEN of Iowa. Mr. Chairman, I would like to ask the chairman of the committee a question, whether in line 14, before the word "individual," on page 16, the article "the" is not stricken out?

Mr. MANN. That word "individual" should be stricken out and the words "such party" inserted there.

Mr. GREEN of Iowa. I agree with the gentleman. Mr. Chairman, I move to amend by striking out the word "individual" in line 14 and in lieu thereof inserting the words "such party," in accordance with the suggestion of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 14, by striking out the word "individual" and inserting in lieu thereof the words "such party."

Mr. GREEN of Iowa. Yes. Strike out the word "individual."

Mr. BARTLETT. That might not do, because that might refer either to the Government or the individual.

Mr. MANN. It is identically the language used in section 24. It is the same thing.

Mr. GREEN of Iowa. The word "individual" is not proper there, because it might be a corporation or a firm.

Mr. BARTLETT. I recognize that. Mr. Chairman, I move to strike out all of that paragraph after the word "form," in line 14 of page 16, down to the word "Government," because, it seems to me——

Mr. MANN. If the gentleman will permit, this language in section 37, as to the clerks' bonds, should be the same as it is in section 24 as to marshals' bonds, and, with the change suggested by the gentleman from Iowa [Mr. GREEN], it is identically the same. The other is old law.

Mr. BARTLETT. It may be old law. I will accept the suggestion of the gentleman from Illinois. It occurs to me that lawyers in enacting statutes ought to know the law as it has been ever since the judiciary act of 1789 was passed, and that the party cast in a suit pays the costs in the case.

Mr. MANN. When you provide in the same law for suits on marshals' bonds and on clerks' bonds it should be the same. The other change has already been made.

Mr. BARTLETT. All right. Mr. Chairman, I will withdraw my proposed amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GREEN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 38. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of the United States or any person injured by breach of the condition of the same, until the whole penalty has been recovered; and the proceedings shall always be as directed in the preceding section.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. BARTLETT. I would like to ask the gentleman from Louisiana if that is put in here as new law?

Mr. MANN. I will say to the gentleman that that is the identical language in section 25 as to marshals.

Mr. BARTLETT. I understand the report on this bill proposes to say that the existing law is printed in roman and amendments are printed in italics.

Mr. MANN. I do not think this provision has been in as to clerks' bonds. They are trying to make it uniform as to clerks' bonds, the same as with respect to marshals' bonds.

Mr. BARTLETT. I understand; but I again repeat, Mr. Chairman, that we are simply saying something as new that is a hundred years old. We all know it is as old as the law and as the bond itself.

Mr. MANN. That is true. I suppose it is done more as a matter of convenience than anything else.

Mr. BARTLETT. We are simply writing into the statute what has been the common law in the country and what has been the practice of the courts for over 100 years in this country and for 200 years in England.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 40. Every clerk of a district court shall, within 30 days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United

States is a party, which have been entered in said court during such term, showing the amount adjudged or decreed in each case for or against the United States, and the term to which execution thereon will be returnable. He shall also at the close of each quarter, or within 10 days thereafter, report to the Commissioner of Internal Revenue all moneys paid into court on account of cases arising under the internal-revenue laws, as well as all moneys paid on suits on bonds of collectors of internal revenue. The report shall show the name and nature of each case, the date of payment into court, the amount paid on account of debt, tax, or penalty, and also the amount on account of costs. If such money, or any portion thereof, has been paid by the clerk to any internal-revenue officer or other person, the report shall show to whom each of such payments was made; and if to an internal-revenue officer, it shall be accompanied by the receipt of such officer.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I would like, if I may, to get a little more accurate understanding of what the italics mean in this bill and as to part 2 of the report of the committee. In this section, line 12, there are inserted in italics the words "is a party," and on page 39 of part 2 of the report of the committee is given what purports to be the existing law that is covered by section 40. But that does not begin to cover what is in this section. It may be that that is an error in part 2 in not containing section 797 of the Revised Statutes, which I have not examined. What I read may be in the existing law:

Every clerk of a district court shall, within 30 days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees to which the United States is a party—

And so forth. I do not find that language under the head of section 40 as existing law in part 2 of the report. Now, is that the existing law, and inadvertently omitted from part 2 of the report?

Mr. WATKINS. It is inadvertently omitted. I do not know whether it was done at the Printing Office, or where.

Mr. MANN. I am not criticizing it or seeking to embarrass the committee in any way. I simply want to fix definitely in my mind what the italics mean. When you insert the italics "either party," I want to know whether that is or is not the existing law.

Mr. WATKINS. That was through an oversight at the Printing Office, or at some other place.

Mr. MANN. That might easily happen. I have no criticism to make of an oversight of that sort.

Mr. WATKINS. I will say to the gentleman, however, that the words "either party" are new words, which have been substituted for the words "or parties."

Mr. MANN. That is all right.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 45. If any clerk of any district court or circuit court of appeals of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty in every such case, to remove such clerk so offending from office by an order, in writing, for that purpose. Upon the presentation of such order or a copy thereof, authenticated by the Attorney General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. Such district judge, in the case of the clerk of the district court, shall appoint a successor; and in the case of the clerk of a circuit court of appeals, the circuit judges shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

Mr. BARTLETT. Mr. Chairman, in line 10, page 19, it provides that—

Upon the presentation of such order or a copy thereof, authenticated by the Attorney General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office and shall not exercise the functions thereof.

Ought there not to be some provision made for something further than the mere presentation of the order to the judge? Ought there not to be some record made somewhere in the court of the receipt of the order and of the fact that the clerk has been removed?

Mr. WATKINS. It is an official order, and this is the old law.

Mr. BARTLETT. It may be the old law, and yet it may be objectionable. There ought to be some record of the removal in the court from which the clerk is removed, not simply the presentation of an order to declare the office vacant. I do not care to do anything more than simply to call attention to it.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 50. No person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney General; and no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as in this chapter provided, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of United States commissioner. It shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States.

Mr. BARTLETT. Mr. Chairman, in the existing law there is a provision that clerks or deputy clerks must not be related to the judge within a certain degree of affinity or consanguinity.

Mr. WATKINS. Yes.

Mr. BARTLETT. That seems to have been left out. There is a provision in the existing code that the clerk or deputy clerk shall not be related to the judge in the fourth degree of affinity or consanguinity. Here you fix the qualifications of the clerk and prescribe certain things that shall disqualify him; but if this is a revision of the law, if you leave out the prohibition with reference to relationship, why does not that repeal the existing provision?

Mr. WATKINS. This simply relates to the holding of two offices at one time by the same person. It does not refer to the qualifications as a whole. The other provision still stands. This does not repeal it at all.

Mr. BARTLETT. This says—

No person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney General—

and you here prescribe what a man shall not do; and one of the exceptions to the existing law is left out of the qualifications.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Under section 45 you provide for the removal of a clerk. He is at once removed upon the presentation of a certain order. Then you provide that the court may appoint a clerk. When can that newly appointed clerk perform any duties as clerk?

Mr. WATKINS. Immediately after he is appointed and gives the bond which is required of all clerks and takes the oath.

Mr. MANN. Section 50 says that no man shall at any time be a clerk without the approval of the Attorney General. Now, when you remove a clerk instantly, upon the presentation of a paper to him, and the district court appoints a clerk, is it possible to get the instantaneous approval of the Attorney General for the appointment?

Mr. WATKINS. There would be no objection to inserting the words "when he is qualified under the general law"; but the law covers that when it provides how he shall be appointed and how he shall be qualified. That would apply to the clerk so appointed as well as to any other clerk.

Mr. MANN. I suppose the matter must be covered somewhere in some way, if such a clerk has ever been removed; but here you provide that the clerk instantly goes out of office. Now, the court must have some one to perform the duties of clerk. Therefore you provide that the court may appoint a clerk. Then you provide that the clerk can not act until his appointment has been approved by the Attorney General.

Mr. WATKINS. There is a provision in the statute that the deputy clerk shall perform the duties of clerk until the successor of the clerk has qualified.

Mr. MANN. That may cover it.

Mr. BARTLETT. The old law covers that.

Mr. MANN. He can not act as clerk until after his appointment has been approved by the Attorney General.

Mr. BARTLETT. That is true.

Mr. WATKINS. That is correct; but the deputy clerk goes on with the work until the new clerk is qualified.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 52. The judge of the district court of each district shall appoint a stenographer for such court, who shall hold his office during the pleasure of the judge: *Provided*, That when there are two or more judges for the same district each judge shall be entitled to appoint a stenographer for his court. Before entering upon said office he shall take and subscribe an oath well and truly to perform the duties of the same and shall file said oath with the clerk of the court.

Mr. MANN. I move to strike out the section. Is this now provided for by law in any way?

Mr. WATKINS. No; it is not.

Mr. MANN. How does it get into a codification bill?

Mr. WATKINS. It was recommended by the commission. It is placed here for the purpose of facilitating the progress of trials in the courts.

Mr. MANN. Oh, well, I do not think it will facilitate the progress of trials. Here is a proposition to have practically no one permitted to serve as stenographer in a court except the official stenographer, or some employee of the official stenographer. In a large city that is rank monopoly and ought never to be permitted. It is proposed to insert that in a codification bill. In my city, where the courts or some of them are sitting all the time, of course one stenographer can not do the work. That means that you will have an official stenographer who will have a lot of employees. That means usually that people who want correct transcripts do not want to take the transcript of the official stenographer, although they will have to pay for it.

Now, why should they be put to that burden? What is the trouble with existing conditions? It may be necessary while a court is seldom in session to have an official stenographer there and pay him a salary. We do not have to pay official stenographers salaries in these places where the courts are continuously in session, or in session much of the time, and I can see no reason why the Government should do it. How many judges are there?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MANN. I am trying to get some information as to why this unusual provision should appear in a codification bill.

Mr. GREEN of Iowa. There is no provision now to pay a reporter.

Mr. MANN. There is no provision in this bill for paying the salary of the reporter. Section 93 says it shall be fixed by the Attorney General.

Mr. GREEN of Iowa. It might be added also that in the rural districts the Federal courts do not sit in continuous session and the reporter would not have a great deal to do. If he was employed at any ordinary salary he would get a great deal more than his services would be worth.

Mr. MANN. Section 93 provides for a salary to be fixed by the Attorney General, payable monthly, and in addition that they may collect and receive of the party requiring a transcript the sum of 10 cents per folio for the same. Of course you could not expect a stenographer to do all the work for the salary that he would receive. There is no reason in New York City, Philadelphia, Chicago, and various other places in the country where the courts are practically in continuous session for giving a monopoly to the judge as to designate who may take down the testimony in his court. He may appoint one stenographer, but there may be a dozen employed. The stenographer will let that out, hire others, and then get a rake-off on it. That is what will be done. It will become a public scandal if this provision goes into the bill. We will be paying a stenographer a salary, and in my town the chief stenographer may be making ten or twenty thousand dollars on the side and having the work done by persons whom he employs. And this in a codification bill, too; I do not see any excuse for it.

Mr. SCOTT. Mr. Chairman, I desire to call attention to the further fact, in addition to what the gentleman from Illinois has said, that in the rural districts—and when I say "rural districts" I mean such States as Iowa, Minnesota, the Dakotas, and Nebraska—and all through the West, the Federal courts sit at numerous places in the district. They only hold court a few days at a time in one division. It is customary, and I think almost universal, for the Federal courts to use the official stenographers of the local courts. To illustrate, in my city, which is a small one, we have four official stenographers. There is never any difficulty in having one or even two of these to attend the sessions of the Federal court. That is a great convenience locally throughout the division in which the court may be sitting. It is a convenience in this way, that when attorneys desire transcripts of evidence to perfect records they can get access to the local stenographers very easily and get their work done quickly. Otherwise, if the stenographer follows the court about, they have to send off to some other division. With four or five divisions within a district you never know where the stenographer is if he is following the court about. You write for a transcript, and he is probably off in another division 50 or 60 miles away by the time you get your letter there. It requires from a week to two weeks to get the smallest transcript of these cases, whereas you can get the accommodation almost immediately where the record is kept in the place where the reporter resides and where the notes are filed. It seems to me this would be followed by great inconvenience throughout the larger parts of the country.

Mr. WATKINS. Mr. Chairman, when the gentleman from Illinois first made the motion to strike out the section he asked as to the number of district judges. From the best data I have there are 92 district judges, not including Alaska, Porto Rico, and the Hawaiian Islands. On the proposition to strike out the section, I will say that the commission has recommended that there be official court stenographers provided for, and they give this as a reason for it:

> The value of shorthand notes of testimony and other proceedings in expediting trials and insuring accuracy in bills of exception and transcripts on appeal is abundantly established in experience. It is believed to be desirable that this duty shall be performed by a sworn officer of the court, with such provisions as will secure the preservation of the notes. The laws of nearly all the States provide for court stenographers, and there are abundant considerations of convenience and economy which dictate that the laws of the United States should no longer fail to do so.

There is a vast difference between stenographers who are competent to be appointed as official stenographers of courts and a stenographer who might be called into the case in the city or hamlet, jerked up all of a sudden and placed in court to take stenographic notes of a technical nature. The trial might be full of technical features that the ordinary stenographer would not be familiar with. It is a great detriment to the work, for a green stenographer who may be able to take and transcribe notes from dictation in a law office, or a stenographer taken from a counting house who was not an expert in legal work, on account of the mistakes and errors that he would fall into. In such cases it is a great detriment to the parties litigant, and is in every way objectionable.

Now, Mr. Chairman, this is purely for the purpose of putting them on an official basis, to regulate their conduct by rules established by the court, and make them amenable to the court under those rules. I think it is proper that official stenographers should be provided for. Not only do the commissioners recommend this, but this particular provision has been gone over carefully by those who are interested in seeing that the laws are properly enforced and that only proper laws are passed, and that the official conduct of the court shall be governed as far as possible by certain rules and regulations established by order of the court. This is not a hasty conclusion which the committee has come to, but it is after due and careful deliberation that these various sections were put into this codification.

Mr. MANN. Mr. Chairman, I appreciate the fact that this committee did not insert these sections in the bill but that they came originally through the commission that was appointed.

It was not the duty of the commission to insert it, nor was the commission composed of those practical lawyers who knew about such things. It is absolutely impossible in the large cities to comply with this provision and ever get the work properly done. What can you expect of a stenographer, for instance, who is requried to make a transcript with a provision in the law that when such service is rendered on behalf of the United States, or when the judge requires such a copy to assist him in rendering a decision, the stenographer shall make no charge? I understand that is the provision of the bill. Does the gentleman so understand it?

Mr. LLOYD. On page 93 there is a provision in the bill which authorizes the payment of a salary to the stenographer.

Mr. MANN. I understand; but what are you going to do about the salary? Here is a case, we will say, where the United States is one of the parties, and the trial may proceed for three or four months. That is not such an infrequent case. Does the gentleman think that we can fix a salary under which a stenographer will furnish a transcript of the testimony to the Government for that length of time for nothing?

Mr. LLOYD. Section 93 provides that the stenographer of the district court shall receive such salary as the Attorney General shall from time to time determine. If there was such a case as that which the gentleman states and the attention of the Attorney General were called to it, he would be entitled to see to it that the individual receive proper compensation.

Mr. MANN. I do not think he would. I do not think the Attorney General can fix a salary for a particular case.

Mr. BARTLETT. He has to have the money appropriated first with which to pay it.

Mr. MANN. And he can not fix it, anyway, unless the money is appropriated. In the one case you will not get a good report, because it would take a corps of stenographers to take the testimony for three months, and you could not get the work done if they received no compensation except a salary, because that would mean they would furnish the transcript for nothing. In the case of a private individual, you will not get good official stenographic work done for him.

Mr. LLOYD. I do not know how it will work out in the city courts, but I know that in the State courts, especially in the State of Missouri, with which I am somewhat familiar, we had this very trouble, and we changed the law so as to provide that every circuit court should have its official stenographer. The circuit judge appoints a stenographer, and since that law has been in effect we have had very little trouble with transcripts and very little trouble with the stenographers. Prior to

that time in many places in the State of Missouri the courts were not able to secure good stenographers; but now the stenographer receives a salary and receives compensation, and the result is that we have competent people.

Mr. MANN. I have no objection to a provision which would authorize the court to appoint a stenographer where it is necessary to have an official stenographer to get a transcript of the testimony.

Mr. LLOYD. But we have found this in Missouri: That the wisest course was to provide for official stenographers. Then there is never any question about what the record is, because the official stenographer's record is the record. Prior to that time, not having an official stenographer, very frequently questions arose as to what the testimony was.

Mr. MANN. And the question very frequently will arise now as to what the testimony is, because you will not get competent stenographers in this way. We have some official stenographers in our town, in some of the State courts, and, for aught I know, they perform very good service; but they do not receive a salary, nor do lots of lawyers accept their services, and they keep perpetually rowing about it, as I understand.

Mr. LLOYD. Mr. Chairman, I feel very sure that under the national law it would be the same thing as under the State law. Under the State law, where the judge appoints a stenographer, he feels to some extent responsible for the character of the person that is employed, and the result is that we have the very best stenographers there are employed by the courts.

Mr. MANN. Yes; but the gentleman knows perfectly well that one stenographer can not take the testimony. We have five or six stenographers to take the proceedings of this House, which only lasts five or six hours a day.

Mr. LLOYD. But the court will be just as particular in selecting two stenographers as in selecting one.

Mr. MANN. The court can select only the chief stenographer. He has nothing to say about the subordinates who will be hired to perform the work, giving a rake-off to the chief.

Mr. LLOYD. But that chief stenographer is responsible to the court, and if the work is not properly done it may be expected that the chief stenographer will lose his place. That is what the gentleman would do and what any sensible man would do in administering the law.

Mr. MANN. You can not do it. I have had practice enough to know that this is not workable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. WATKINS) there were—ayes 10, noes 10.

Mr. MANN. Mr. Chairman, I would demand tellers if there was any way of getting them; but considering the fact that it takes 20 Members to order tellers and there are only 20 Members present, 10 voting the other way, I shall not make the demand. I am not going to make the point of no quorum, because this bill was dead when it was born.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the first word "shall" on page 21, line 25, and insert in lieu thereof the words "may, at his discretion."

Mr. LLOYD. Mr. Chairman, we have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I offer the following amendment:

Line 25, page 21, strike out the words "a stenographer" and insert in lieu thereof the word "stenographers."

Mr. LLOYD. Would it not be better to add the words "or stenographers," and then if only one stenographer be needed only one will be appointed, and if he needs more than one it would give him authority to appoint more than one.

Mr. NORTON. Yes; I think it would be better wording, and I will offer that as an amendment. On page 21, line 25, after the word "stenographer," insert the words "or stenographers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 25, after the word "stenographer," insert the words "or stenographers."

Mr. BARTLETT. Mr. Chairman, I do not think that this amendment ought to be adopted. The present provision is one which I thought ought to have been stricken out; but as long as we have got it we ought to keep it as good as we can. The present provision is that the judge of the district court of each district shall appoint a stenographer for such court, and so forth, and it also provides on the next page where there are two or more judges for the same district, each judge shall appoint a stenographer for his court. Now, there are some districts in which there are two district judges—Alabama has three judges and two districts, so we will have in one district a judge who can appoint a dozen stenographers.

Mr. NORTON. I think he should have that right.

Mr. MANN. May I ask the gentleman a question?

Mr. BARTLETT. Yes.

Mr. MANN. The gentleman knows in a good many districts the district court holds court in a number of different cities.

Mr. BARTLETT. Yes.

Mr. MANN. Now, in those cities in general there are local stenographers.

Mr. BARTLETT. Yes.

Mr. MANN. Now, we pay the expenses of the judge traveling around $10 a day in addition to his compensation, but we aim to have deputy marshals and deputy clerks in those towns. Why should not we have a local stenographer in those towns to act as stenographer for the court instead of requiring an official stenographer to travel around with the judge at probably an expense of another $10 a day?

Mr. BARTLETT. Well, I do not think we ought to have the judge to appoint one man to be the official stenographer of the court. His compensation is to be fixed by the Attorney General and the provision carried in the legislative, executive, and judicial appropriation bill provides for the money for the payment of stenographers.

Mr. NORTON. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. NORTON. If the gentleman lived in a district where the court was held in five or six different towns——

Mr. BARTLETT. That is exactly my condition; I live in a district where the court is held in a number of towns.

Mr. NORTON. Would not the gentleman prefer to have a stenographer appointed by the court in his town who would take the testimony in the court in session in that particular town, so that if he wanted a transcript he could get it readily and promptly rather than to be obliged to search all over the district to find where the court stenographer may be at any certain time?

Mr. BARTLETT. I have had some experience in the testimony taken in certain investigations in the district, and in my State the lawyers have certain difficulties in securing transcripts in cases where these stenographers are appointed by the judge. I think myself that the judge ought not to be permitted to appoint but one of these stenographers permanently, and if the court needs another stenographer in another case or in a particular emergency, why, then, we may be able to secure them, but to have a Federal judge or any other judge to appoint all over the district an unlimited number of stenographers, without any limit, according to this amendment, does not seem to me to be proper. He is not supposed to appoint one for each town he holds court in. He may appoint a stenographer in every district, and I am not willing, as far as I am concerned, to confer that power upon the Federal judiciary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Mr. Chairman——

Mr. WATKINS. I did not understand whether the gentleman rose to discuss the amendment.

Mr. NORTON. To discuss the amendment.

Mr. WATKINS. Then I will wait until the gentleman has finished, as I would like to be heard on the amendment.

Mr. NORTON. Mr. Chairman, I know from what experience I have had with this subject in the court practice that local stenographers to take the testimony in cases that might be tried in any certain town or city where the court may be held are much more satisfactory to the practicing attorneys than to have but one official court stenographer. As has been admitted by all in debate on this subject, no one stenographer will be able to take all the testimony in any judicial district. It will be necessary for him to secure assistance, and I see no good reason why the court should not be given authority to appoint local stenographers in different towns or cities where the court may be held. I believe this amendment should be adopted and that it will facilitate the work of the court and be most satisfactory to all practicing attorneys.

Mr. WATKINS. Mr. Chairman, when the proposition was up to strike out the entire section, the gentleman from Illinois [Mr. MANN] contended that it would give an opportunity for the judges to appoint their favorites, and it would be squandering the public money to allow a man to appoint a stenographer and pay the salary to some favorite of his, but now the question is not to appoint one, but to appoint innumerable stenographers. If it is possible to conceive the idea that a district judge, a judge of the United States court, would take advantage of the opportunity which might be afforded him to select one steno-

rapher and use that to the detriment of the Government and be extravagant in the use of that stenographer, the argument would certainly be a great deal stronger on that line if any number of stenographers were allowed to be assigned by the judge. I do not concede, for my part, that the judges would take such advantage of the opportunity which they might have to practice what is sometimes called graft, but I do consider that if this amendment as now offered, allowing judges to appoint any number of stenographers which they see proper to appoint be adopted, it will be a great injustice to the Government, it will be an extravagance, and it will not be in line with economy.

Mr. NORTON. If the gentleman will permit, if a judge can appoint more than one stenographer, the gentleman says it will not be economy to the Government. These stenographers are not paid a salary unless the salary is authorized by the Attorney General, and if they do the work in their local towns or cities, their compensation need only be 10 cents a folio under the law. Is not that correct?

Mr. WATKINS. No; the salary is to be fixed by the Attorney General; he fixes the salary——

Mr. NORTON. But under the provisions of this bill stenographers are to receive 10 cents a folio, and the stenographer's salary over and above this may be merely nominal.

Mr. WATKINS. Later on in this bill which we are considering the salary is provided for.

Mr. NORTON. I understand in section 93 of this bill provision is made for the compensation to be paid stenographers.

Mr. WATKINS. Now, Mr. Chairman, there are districts in which the judges hold courts at four, and in some instances, perhaps, five different places, and at each one of those places the judge would naturally want a stenographer, and if this bill allowed a salary to each one of those stenographers, it would be vastly more than the mileage to which reference has been made here in this argument. Instead of being in the line of economy and reform it would be a most outrageous extravagance to allow any such liberty or opportunity as this on the part of the judges to appoint an indiscriminate number of stenographers. The salary will be fixed for each stenographer, and it is not to be supposed, if a man is going to devote his time and be set apart as official stenographer, that he would be satisfied with anything less than a reasonable salary for the reservation of his time. He might be permitted to do outside work, of course. Still, he would expect to receive a reasonable salary. I hope the committee will vote down the amendment.

Mr. STAFFORD. Will the gentleman yield?

Mr. WATKINS. Certainly.

Mr. STAFFORD. I assume the stenographers receive a stated salary at the present time?

Mr. WATKINS. No; they are on a fee basis.

Mr. MANN. There are no official stenographers.

Mr. STAFFORD. I understand that there are official stenographers.

Mr. WATKINS. No; there are no official stenographers. They are stenographers of the court, but they get so much a folio.

Mr. STAFFORD. I know that in the district court of Milwaukee there is a certain woman who has been connected with that court for 40 years.

Mr. WATKINS. I suppose she is efficient.

Mr. STAFFORD. She is a most efficient stenographer, and I thought she had some direct appointment. Certainly her services have the approval of the various district judges who have served in that court.

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, I would like to be heard. A few years ago we had an impeachment trial, where one of the charges that was preferred was that Judge Swayne, I think it was, had taken $10 a day for his traveling expenses, the law providing, as I recall, that he should be paid his expenses not to exceed $10 a day. And he, and, as it developed, other judges, under the custom just took the $10 per day without regard to the actual expenses which they were granted. Now, if we pay the judge $10 a day while he is traveling from one place to another and sitting and holding court at a place where he does not live, as we do, we will be paying the stenographer the same thing. That does not look like economy to me. Take North Dakota, the State from which the gentleman comes who offered the amendment, and the distances are quite long. Now, what is the idea in saying that you have to have a stenographer to travel around with the judge instead of employing a stenographer at the town where the court is held? It will not add to the expense; quite far from it. It will save the Government an expense of probably $10 a day for most of the year. And if you have 93 stenographers—of course, they will not all be traveling, because in some States the judges do not hold court in different places—it will amount to quite a tidy sum. If I could get that amount for a year, I would retire now.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. I will.

Mr. TAGGART. Would there not be considerable difficulty in finding a competent stenographer at various places?

Mr. MANN. If he does not find a competent stenographer, he would not have to appoint one there. This does not require the judge to appoint a stenographer, but to give him permission to appoint more than one stenographer in his district, so that he may appoint an efficient stenographer in those cities where he holds court, and the Attorney General will fix the salary accordingly.

Mr. TAGGART. That is true; but would it lead, now, to this kind of trouble: Here is a party who is entitled to have a stenographer paid by the Government in the trial of a case that he is in, plaintiff or defendant. That is, in a civil case. In fact, the defendant in a criminal case is entitled to a transcript of testimony, as I understand it, and that is paid for by the Government——

Mr. MANN. There is no such provision in existing law or in this bill.

Mr. TAGGART. Is not there a provision of that kind in this bill?

Mr. MANN. No.

Mr. TAGGART. But here is the point, though. Independent of who pays for it, if we had a lawsuit we would be entitled to have a competent stenographer to take that testimony.

Mr. MANN. That is true; and we never have any difficulty in getting one. But the gentleman has not reached his point yet, and I am waiting for it.

Mr. TAGGART. The point is that it will be practically impossible to secure a competent court stenographer every place that the court might sit.

Mr. MANN. I am not discussing that question. I am discussing the question of whether he shall have power, if he is going to name an official stenographer, to only name one for his district, or whether he shall have the power to name one at the different places where he holds the court, instead of requiring the official stenographer to travel around with him at the expense of the Government. Now, we would have more than one judge if it were not for the fact that we have to pay the judges practically the same salary. They would have nothing to do most of the time. But the stenographers may be employed for a week or two weeks, in the course of a year, at one time, and do not have to get a year's salary for that. Their salaries can be graded accordingly.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WILLIS. Mr. Chairman, I desire to be heard on the amendment. I want to call the attention of the committee to what will be done if we adopt the pending amendment. This section 52 proposes to so change the law that it shall read that the judge of the district court, in his discretion, may appoint a stenographer or stenographers for such court. Now, turning to section 93, it will be observed that this same bill provides that the stenographers of the district court shall recieve such salaries as the Attorney General shall from time to time determine. Taking those two sections together, it will be seen that if you adopt this amendment, here is what you propose to do: You propose to give to one officer of the Government authority to appoint as many minor officials of this particular character as he may desire—stenographer or stenographers. He may appoint one in every township, if he wants to do so, or in every school district. It is not likely that he would appoint that many, but he has unlimited authority to appoint stenographers. You give to one officer of the Government authority to appoint as many officials as he pleases, and then you give to another officer of the Government authority to fix the salaries of those minor officials. I do not believe that is wise legislation. It abdicates the power of Congress and concentrates too much authority in the hands of executive and judicial officers.

Mr. MANN. The gentleman knows that to be the law as to clerks and deputy marshals and other officials. I do not know whether it has been abused or not. If so, I never heard of it.

Mr. WILLIS. I know that is the law, but I do not believe in adding to an unwise law. I voted for the gentleman's amendment to strike out this whole thing and leave the appointment of stenographers as it now exists.

Now I yield to the gentleman from North Dakota.

Mr. NORTON. I was going to ask whether the gentleman thought this provision would be more abused than the provision for the appointment of clerks and the designation of the salaries of the clerks?

Mr. WILLIS. Well, I do not care to enter into a comparison of abuses. It seems to me this furnishes an opportunity for abuse. As a general principle of legislation, I do not believe it is wise to give to one officer authority to appoint minor officials without limit as to number and then to give to another official of the Government the authority to fix the salaries of those minor officials. I do not believe that is wise legislation, either in State or Nation.

Mr. NORTON. The gentleman's argument, then, presumes that whenever an opportunity is allowed for a district judge or the Attorney General of the United States to make abuses under the law, they will do so?

Mr. WILLIS. I do not presume anything of that kind; but I think that when this Congress is legislating it ought not willfully and with its eyes open pass a law that invites abuse. We ought, as far as possible, to prevent abuses instead of making it convenient and easy for the officials of the Government to abuse the law. That is what you do here—that is, to let one officer appoint as many minor officials as he pleases, and then let another officer fix the salaries as he pleases. I think you are entering upon unwise legislation. I think there should be a limit fixed by law as to the number of officers and the compensation paid.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Iowa.

Mr. SCOTT. Does not the gentleman think that when one officer appoints a minor official and another fixes the salary they would be a check, one upon the other?

Mr. WILLIS. I think perhaps it would not be as bad that way as it would be to have the same officer appoint and fix the salaries. The point I make is that we ought not to have either one. We ought to have the number fixed by law, and in the same way we ought to have the compensation fixed. By the method proposed it would leave the whole thing subject to executive and judicial lawmaking. We simply invite abuse. I do not say that abuses will come surely, but I do not think we should invite abuses.

Mr. GORMAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois?

Mr. WILLIS. Certainly.

Mr. GORMAN. Does not the gentleman think we could so amend section 93 as to prevent abuse, the only abuse suggested by the gentleman, that too much may be paid out as salaries or too many people put on salaries?

Mr. WILLIS. If we adopt this amendment—which I hope we shall not do—I shall join with the gentleman in an effort to amend section 93. But "sufficient unto the day is the evil thereof."

Now, the amendment proposed is one that enlarges unduly the authority of the judge in the appointment of stenographers, and that is the amendment I am seeking to defeat. I think it ought to be defeated.

Mr. GORMAN. I will help you defeat it.

Mr. WILLIS. Good.

Mr. STAFFORD. Mr. Chairman, the question before the committee is one that resolves itself largely into one of convenience to practitioners. Under the present system, whether it has authority of law or not, the strenographers, by reason of the large fees that they are enabled to charge for transcripts of testimony, accompany the judges when they go to the respective places for holding court. Nearly every practitioner knows that stenography has advanced that far that you can find expert stenographers in every place where a court holds its session who will be expert enough to take the testimony.

There is this point that comes to my mind: That the practitioners appearing in these respective places should have their convenience considered in the transcript of testimony. Under the existing practice, when this perambulatory stenographer accompanies the court, immediately after the close of the session he or she returns to his or her headquarters. It may be difficult for an attorney to have his case made up by the transcription of the minutes because the stenographer is separated from the branch city where the court has been held for a brief session.

Now, so far as abuse of appointment by the court is concerned, every power may be abused, but certainly we have the right to trust implicitly the district judges, that they will not abuse this authority.

Now, the Attorney General's office, upon the recommendation of the district judge, has authority to appoint ad libitum assistant district attorneys to assist the district attorney, and fix their salaries up to a certain amount, and this provision has not been abused. In this section 93 there is ample safeguard provided so as to prevent abuse.

Mr. TAGGART. There is authority to allow the judge discretion to appoint more than one?

Mr. STAFFORD. Yes.

Mr. TAGGART. And if he finds one who is wholly satisfactory he can accompany him to the different places? Is that the idea?

Mr. STAFFORD. It leaves it to his discretion.

Mr. TAGGART. I am opposed to the Attorney General having the power to fix the salary of any stenographer.

Mr. STAFFORD. I will say to the gentleman that that is a matter that can come up in connection with section 93, where we provide the salaries and the fees which they are entitled to receive, and we can easily limit the salaries of the stenographers there, as may be seen, and allow them to take the fees that are customary in the case of court stenographers connected with State courts.

Mr. BOOHER. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. STAFFORD. Yes.

Mr. BOOHER. What objection would there be to permitting the district judge to appoint a stenographer at each place where he holds court?

Mr. STAFFORD. That is the very intention of this amendment, to give him that power, whereas under the existing phraseology he has not the authority.

Mr. BOOHER. In that event the salary should be fixed at so much per diem for the time actually spent in court, and then for the fees for the transcript?

Mr. STAFFORD. That will be considered when we reach section 93.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MADDEN. A division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 18.

Mr. MADDEN. Mr. Chairman, I think I shall make the point of no quorum.

Mr. DONOVAN. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut asks for tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Nine Members, not a sufficient number, and tellers are refused.

Mr. MADDEN. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. Evidently there is no quorum present. The Clerk will call the roll.

The Clerk called the name of Mr. ABERCROMBIE.

Mr. MADDEN. I withdraw the point of no quorum, Mr. Chairman.

Mr. GARRETT of Texas. I object. The roll call had commenced.

The CHAIRMAN. One name had been called. The Chair understands that after the point of no quorum has been made and the call has begun, it can not be dispensed with.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Drukker	Hulings	Montague
Anderson	Eagan	Humphreys, Miss.	Moon
Ansberry	Elder	Jacoway	Morin
Anthony	Fairchild	Jones	Moss, Ind.
Ashbrook	Ferris	Kahn	Moss, W. Va.
Austin	Fess	Keister	Mott
Baltz	Fields	Kelly, Pa.	Nelson
Barchfeld	Finley	Kennedy, Conn.	O'Hair
Bartholdt	Flood, Va.	Kent	Palmer
Beall, Tex.	Floyd, Ark.	Kettner	Patten, N. Y.
Brockson	Fordney	Kiess, Pa.	Patton, Pa.
Brodbeck	Gardner	Lafferty	Peters, Me.
Browne, Wis.	Garrett, Tenn.	Langham	Peters, Mass.
Burke, Pa.	George	Lee, Pa.	Phelan
Butler	Gerry	L'Engle	Platt
Callaway	Gittins	Lenroot	Porter
Campbell	Godwin, N. C.	Lesher	Prouty
Cantrill	Goldfogle	Lever	Rainey
Carew	Goodwin, Ark.	Levy	Reed
Carlin	Green, Iowa	Lindbergh	Reilly, Conn.
Clancy	Griffin	Lindquist	Riordan
Clark, Fla.	Gudger	Linthicum	Rothermel
Clayton	Hamill	Logue	Sabath
Coady	Hardwick	McCoy	Scully
Connolly, Iowa	Hart	McDermott	Seldomridge
Copley	Hawley	McGuire, Okla.	Sells
Covington	Hayes	McLaughlin	Shackleford
Crisp	Hobson	Mahan	Sharp
Decker	Houston	Maher	Sherley
Dershem	Howard	Martin	Slayden
Dooling	Hoxworth	Merritt	Slemp
Doughton	Hughes, Ga.	Miller	Sloan
Driscoll	Hughes, W. Va.	Mondell	Smith, N. Y.

Stanley	Townsend	Wallin	Williams
Stephens, Miss.	Treadway	Walsh	Winslow
Stevens, N. H.	Tuttle	Webb	Witherspoon
Talbott, Md.	Vare	Whaley	Woodruff
Temple	Vollmer	Whitacre	Woods

The Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, found itself without a quorum, whereupon he caused the roll to be called, and 282 Members responded to their names, and he herewith reported the names of the absentees to the House.

The SPEAKER. A quorum having appeared, the committee will resume its sitting.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, with Mr. RUSSELL in the chair.

Mr. WATKINS. Mr. Chairman, we renew the request for tellers.

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry. What is the question upon which tellers were demanded?

The CHAIRMAN. The Clerk will report the amendment for the information of the committee.

The Clerk read as follows:

On page 21, in line 25, after the word "stenographer" insert the words "or stenographers."

The CHAIRMAN. The Chair would like to state that it is his belief that the vote on this amendment was final before the point of no quorum was made. The Chair wants to state the condition as it was at the time. The amendment was presented to the House, and the vote was taken upon the amendment viva voce, then by division, and upon the division the amendment was carried. Then tellers were called for, and there were not a sufficient number to order tellers, so that tellers were refused. Then the point of no quorum was made. The opinion of the Chair and the information which he has on the subject is that the vote upon the amendment was final, but the Chair is ready to receive further light upon that question.

Mr. BARTLETT. I think the Chair is wrong. You can not decide the proposition of a quorum being present at a time when it was not present. If I am correctly informed, as soon as tellers were refused, the point of no quorum was made. It was demonstrated by the vote upon the division that there was not a quorum present, and it developed upon the call for tellers that there was no quorum present. Therefore less than a quorum could not decide the question as to whether tellers should or should not be ordered. There being no quorum present, the House was without power even to pass upon the amendment or to refuse tellers. It could do nothing without a quorum.

The CHAIRMAN. The Chair has not passed upon the question. He has only stated his impression. Knowing that this question would come up, he asked the gentleman from Alabama [Mr. UNDERWOOD], who thinks as the Chair thinks; but the Chair wishes to decide this question correctly, and will be glad to have any light upon it.

Mr. WILLIS. Mr. Chairman, I want to submit for the consideration of the Chair the following facts which the Chair has already stated quite fully. A division was had and the Chair announced that the ayes have it.

Mr. NORTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. NORTON. What is before the House?

Mr. DONOVAN. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from North Dakota can not take the gentleman from Ohio off his feet by a parliamentary inquiry while the gentleman is addressing the Chair.

Mr. WILLIS. I yielded for the purpose, but finding out what the gentleman wanted, I want now to address myself to the parliamentary situation. The committee had divided and the Chair announced that the ayes had it. Thereupon a call was made for tellers. The Chair announced that tellers were refused, and immediately the point of no quorum was made by the gentleman from Illinois [Mr. MADDEN].

Mr. STAFFORD. Is the gentleman entirely accurate in his presentation of the facts? The facts are that a viva voce vote was taken, and the Chair declared that the noes had it. The gentleman from North Dakota demanded a division. A division was had, and there were 19 in favor and 18 opposed, and the Chair declared that the ayes had it, and thereupon a demand for tellers was had, but not a sufficient number arose, and the Chair declared that there was not a sufficient number. Then after the Chair declared that there was not a sufficient number the gentleman from Illinois made the point of no quorum.

Mr. WILLIS. That is substantially what I stated. As soon as the demand for tellers was made and the Chair announced that tellers were refused the point of no quorum was made. My contention is that as soon as the committee found itself without a quorum that invalidated the proceedings immediately antecedent to the time when the absence of a quorum was shown. A quorum now being present, proceedings must begin anew at the point where the last uncompleted matter was taken up, that is, where the call for tellers was made. Therefore it seems to me that the call of the gentleman from Louisiana for tellers is in order at this time.

Mr. NORTON. Mr. Chairman, the facts in this case have been stated, and what is the proper parliamentary proceeding is now the question. The facts are that a viva voce vote was taken and announced by the Chair as being carried. Then there was a call for tellers. Those in favor of tellers were asked to rise and a count was taken, and the Chair declared that the request for tellers was denied. If the question of no quorum was to be raised, it should have been raised before the Chair declared the demand for tellers was denied. If a vote in the Committee of the Whole House is ever to be final, it must be when tellers are asked for and denied by the Chair. I call for the regular order.

Mr. MADDEN. Mr. Chairman, I wish to submit to the Chair this thought: It became evident to me as a member of the committee that there was no quorum present, and the purpose of my making the point of no quorum was, in effect, to challenge the right of those having voted to pass upon the question finally. The mere fact that the point of no quorum was made is notice of that challenge. I submit to the Chair that nothing less than a quorum can act upon a question before the body if any Member present challenges the right of that number of less than a quorum to act. That challenge having been made, and the Chair having ascertained that no quorum was present, the action of the committee acting with less than a quorum is void. A quorum was afterwards developed by a roll call, and a quorum is now present, and it seems to me that the whole question must be referred back to a quorum through the quorum of the committee considering the subject matter on which the challenge was made. So I submit to the Chair that the action of the committee was not final, and can not be final, as long as the challenge is presented until at least a quorum of the committee is present and takes action. It seems to me that no one can raise the question of doubt as to the lack of the power of any number of Members present less than a quorum to take final action on any question before the House.

Mr. SISSON. Mr. Chairman, the House of Representatives, by the Constitution, as well as the Committee of the Whole House on the state of the Union, requires a quorum to be present for the transaction of business. The moment that it appears that less than a quorum is present, the action on that particular matter is vacated until you have a quorum. The precedents are uniform, so far as the question of the Constitution is concerned in the House. The same rule of construction must apply in Committee of the Whole House on the state of the Union, and the rules of the House require that there must be 100 Members present for the transaction of business.

Now, if it develops upon a demand for tellers that no quorum is present, then the fact that the Chair determines that there is no quorum present vitiates the whole proceeding, because the only way to determine whether or not the committee determines to take a vote by tellers is by a rising vote. If during that proceeding it should develop that no quorum was present, the mere fact that the Chair on a viva voce vote declared it carried does not amount to anything if it is determined upon the call for tellers that no quorum was present. That is all one contemporaneous proceeding. The gentleman has a right to demand tellers if dissatisfied with the Chair's decision on the viva voce vote, because that is the way adopted in Committee of the Whole to determine whether the Chair's decision is correct. When he appeals from the decision of the Chair he appeals and is entitled to an actual count; and being entitled to an actual count, the thing is not decided until he exhausts his remedy, and if it should develop that no quorum is present he is entitled to have a quorum, and has a right to demand whether or not the Chair's hearing was accurate in determining the question.

If that were not true, we would be in the anomalous situation of a man demanding tellers without there being anything like a quorum present, and then he would not raise the question if by the teller vote he should carry it. Suppose he had

tellers and carried it, he would not raise the question, but when he finds there is no quorum present it is his right to demand that a quorum shall be present.

Mr. LLOYD. Suppose it should occur now that tellers were refused; what would be the situation?

Mr. SISSON. If a quorum is present and tellers refused, it would be the decision of the Chair and the decision of the committee.

Mr. LLOYD. The gentleman's position is that no valid action has been taken in the case because it was developed that no quorum is present. Now he says if we should decide to raise the question of tellers and tellers were refused, then the action would be valid.

Mr. SISSON. Because a quorum has declined to grant tellers. *The committee* that has the right to act is declining to do it. Those people who acted heretofore had no authority to decline to grant tellers.

Mr. LLOYD. But that does not make valid that which is invalid; and the gentleman says that which has been done thus far is invalid, and the amendment was adopted.

Mr. SISSON. But the gentleman entirely loses sight of this fact, that a quorum of the committee can validate that which otherwise would be invalid. The very action of the majority of the committee, if there is a quorum present, taking that position settles the question.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. NORTON. In a viva voce vote, when the question of tellers is raised, when is the action completed?

Mr. SISSON. I do not understand.

Mr. NORTON. When the vote is taken by rising vote, and tellers are demanded, when is the vote completed? Is it not completed when the Chair declares that tellers are denied, if there is not a sufficient number for tellers?

Mr. SISSON. No.

Mr. NORTON. The action is not then completed?

Mr. SISSON. Oh, because it is not then completed, if it should develop on that denial that no quorum was present. The Chairman has no right, nor has the committee any right, to bind anyone when a quorum is not present.

Mr. NORTON. If a quorum is present, is it not complete when the Chair declares that tellers are denied?

Mr. SISSON. If the committee declines to grant tellers, and a quorum is present, it is final, because the majority of a quorum has the right to act and bind the committee; but when you have no quorum present, then they have no right to bind the committee, no right to put an amendment on the bill, nor can the Chair's hearing determine that fact when as a matter of fact it is shown by actual count that no quorum is present.

Mr. NORTON. Then the gentleman admits that when a quorum is present and tellers are denied, the action is final?

Mr. SISSON. Final, because a quorum has the right to make it final.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Louisiana has requested that the vote on the call for the tellers be again taken. The Chair will hold, after conferring with authorities upon the subject, that we must begin where we left off, the fact having been shown that there was no quorum present at the time the former vote was taken. The question is on ordering tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-six, a sufficient number, and tellers are ordered. The Chair appoints the gentleman from Louisiana, Mr. WATKINS, and the gentleman from North Dakota, Mr. NORTON, to act as tellers.

Mr. WATKINS. Mr. Chairman, before the committee divides, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk again reported the amendment.

The committee again divided; and the tellers reported—ayes 15, noes 46.

So the amendment was rejected.

Mr. WILLIS. Mr. Chairman, I desire to invite the attention of the gentleman from Louisiana to this fact. The language in line 25, as I understand it, has been amended so that it reads:

The judge of the district court of each district may, at his discretion, appoint a stenographer for such court, etc.

I believe that was the amendment adopted. Is the gentleman satisfied with the language which follows on page 22, in lines 2 and 3, where it reads:

Provided, That when there are two or more judges for the same district each judge shall be entitled to appoint a stenographer for his court.

Does the gentleman think that is consistent with the other line as amended?

Mr. WATKINS. Yes; I think so.

Mr. WILLIS. It does not seem to me it is; but, if the gentleman is satisfied, I am not disposed to object to it.

Mr. GOLDFOGLE. Mr. Chairman, I would like to inquire what the situation is. As I understand it, with reference to the appointment of stenographers in a court, suppose there are three or four judges?

Mr. WATKINS. Each one has the right under that section to appoint a stenographer.

Mr. GOLDFOGLE. Without regard to the number of parts that the court holds?

Mr. LLOYD. Each judge has the right to appoint a stenographer.

The Clerk read as follows:

SEC. 53. Such stenographers shall, under the direction of the judge, attend all sessions of the court and take full stenographic notes of the testimony, and of all objections, rulings, exceptions, and other proceedings given or had thereat, except when the judge dispenses with his services in a particular cause or with respect to any portion of the proceedings therein. The stenographer shall file with the clerk forthwith the original stenographic notes taken upon a trial or hearing. He shall perform such other duties as the judge may from time to time require.

Mr. TOWNER. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, line 9, after the word "testimony" insert the words "and identify the record evidence in any trial, hearing, or proceeding."

Mr. TOWNER. Mr. Chairman, the object of the amendment is simply this. The language of the section is that he shall attend all sessions of the court and take full stenographic notes of the testimony, but apparently the phrase that should follow stating the things of which he should make stenographic notes was omitted. There is nothing there except the indication that he should take stenographic notes of the sessions of the court. Of course, that is not what is intended. What is meant to be reported are the trials and proceedings, and that is what is specified in my amendment. Besides, it is not only the evidence that is to be taken, but it is also necessary that he should identify the record testimony. Of course, it would not be desired, especially in cases where very voluminous record testimony was taken, that the reporter should transcribe all of the record evidence. It is only necessary that he should identify it and make it a part of the record. It seems to me that the chairman should have no objection to this amendment. I have another following it.

Mr. WATKINS. If I knew what the other was, I might not have any objection to it.

Mr. TOWNER. This stands on its own merit.

Mr. WATKINS. Standing that way alone, I do not see any particular objection to it. It may be coupled, however, with something else.

Mr. TOWNER. There is nothing that would be objectionable.

Mr. BARTLETT. I should like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. TOWNER. So that it will read:

Such stenographers shall, under the direction of the judge, attend all sessions of the court and take full stenographic notes of the testimony, and identify the record evidence in any trial, hearing, or proceedings—

And so forth.

Mr. WILLIS. Does the gentleman think that comes in at the proper place, with what follows at the end of line 9?

Mr. BARTLETT. And he ought to identify the objections as well.

Mr. WILLIS. If the gentleman will read the amendment, and read what follows at the end of lines 9, 10, and 11, he will see it will not make any sense at all.

Mr. BARTLETT. It ought to identify the objections as well as the whole record.

Mr. STAFFORD. Will the gentleman yield there——

Mr. TOWNER. I confess I do not see any inconsistency.

Mr. STAFFORD. Why does not the general language found in line 10, "and other proceedings given or had thereat," cover the specific case instanced by the gentleman's amendment?

Mr. TOWNER. Well, I am inclined to think it would, except it leaves the language in lines 8 and 9 so that it does not identify the duty at all of the stenographer, "and shall take full stenographic notes, testimony, and"—and what?

Mr. STAFFORD (reading). "And shall take full stenographic notes of the testimony and"——

Mr. TOWNER. What?

Mr. STAFFORD. "Of all objections, rulings, exceptions, and other proceedings given or had thereat." We all know when an attorney presents any documentary evidence it is noted by the stenographer, and I suppose that general language covers just the case instanced by the gentleman's amendment.

Mr. TOWNER. The difficulty is this: It says, "and of all objections, rulings, and exceptions and other proceedings given or had thereat." What does "thereat" refer to? It refers, under the language as stated now, to the proceedings of the sessions of court. That is what is meant. My amendment follows the word "testimony," and it would read, "notes of the testimony in any trial, hearing, or proceeding."

Mr. STAFFORD. Does not the gentleman think that if this general language is not broad enough to comprehend the case instanced that it would be better to insert it after the word "thereat," in line 11, as suggested by the gentleman from Ohio [Mr. WILLIS]?

Mr. TOWNER. I have a further amendment in regard to that matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I desire to be heard against the amendment unless we can have some understanding as to its meaning. I have looked at the amendment very hurriedly, but I call the attention of the gentleman to how it would read as proposed. I will read the section as it would be if the amendment were adopted:

Such stenographers shall, under the direction of the judge, attend all sessions of the court and take full stenographic notes of the testimony and identify the records of the evidence in any trial or proceeding, and of all objections, rulings, exceptions—

And so forth.

That does not convey the meaning the gentleman wants; it would not be good English. I do not desire to oppose the gentleman's amendment, but does not the gentleman think there is force in that?

Mr. TOWNER. I think the language of the whole section might be greatly improved.

Mr. WILLIS. The gentleman had better withdraw the amendment and fix it up.

Mr. TOWNER. Mr. Chairman, I desire to withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. Mr. Chairman, I desire to submit another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 11, after the word "thereat," strike out the remainder of line 11, all of line 12, and down to and including the word "therein" in line 13, and insert in lieu thereof the following: "Upon the request of either of the parties to the litigation or the order of the court or judge."

Mr. TOWNER. Mr. Chairman, this amendment is based upon what I think to be a serious objection to the language used as reported by the committee, where direction is given for the taking of stenographic notes of the testimony and objections and rulings, that under the terms of the bill the power is given absolutely to the judge to dispense with the services of a reporter in any particular case or with respect to any portion of the proceedings therein. I can hardly think that the chairman of the committee or the committee would desire to give such power as that to the court or judge. That provision would allow the court or judge at any time merely by his order and with or without reason to deprive litigants of a complete record and thereby deprive them of their right to an appeal. This would amount to a denial of the right to a fair and impartial trial and a denial of justice. It would allow the court or judge to say that some part of the proceedings should not be reported that might be vital to the interest of some of the parties to the litigation. I can hardly think that that can be desired. Certainly it would not be safe to litigants, and for that reason I have inserted in lieu of that language that the right to have a case reported shall exist in all cases and shall be granted upon the request of either of the parties to the litigation or upon the order of the court or judge. That is, either of the parties to the litigation may ask that the matter shall be reported, or if the parties to the litigation do not desire it reported and the judge himself should desire it reported he may order that it be done. It must be evident such a provision would be very much safer for all parties concerned and work injustice to none.

Mr. STAFFORD. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. STAFFORD. This is rather a technical criticism, but it may have some potency. The gentleman notices that the clause relating to the stenographers contains the phrase "attend all sessions of the court and take full stenographic notes," and I would inquire whether this clause would not modify the requirement of the stenographer to attend all sessions of the court, and would not the gentleman's amendment find a better place after the word "and," in line 8, so as to read:

Attend all sessions of the court and, upon the request of the parties to the proceedings, or judge, take full stenographic notes of the testimony and of all objections—

And so forth.

Mr. TOWNER. I think there would be no objection to its being inserted at that place. I certainly object—and I think it is a serious objection, a vital objection—to the provision of the bill giving the power to the court to prevent a record being made in any case. Such a power might be used—and certainly would be used—in such a way as to deprive litigants of a fair trial and of their right to an appeal. It is a dangerous power, too great and too dangerous to be granted to any person under any circumstances. I hope that the chairman and the members of the committee will accept this amendment.

Mr. GOLDFOGLE. Mr. Chairman, I ask that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. GOLDFOGLE. Mr. Chairman——

Mr. BARTLETT. There is a period after that. The words "stenographer shall file" do not follow after that sentence.

Mr. GOLDFOGLE. Mr. Chairman, I offer as a substitute that all words on line 11, beginning with the word "except," and all the words on line 12 and part of the words "proceedings therein," on line 13, be stricken out, and a period be inserted after the word "thereat," on line 11, so that there shall be stricken out the words:

Except when the judge dispenses with his services in a particular cause or with respect to any portion of the proceedings therein.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk proceeded to read the substitute.

Mr. BARTLETT. A point of order, Mr. Chairman. There is already an amendment pending, offered by the gentleman from Iowa [Mr. TOWNER], to strike those words out and to substitute something, and this is a mere division.

The CHAIRMAN. Is not that all one amendment?

Mr. BARTLETT. Yes, sir; to strike out and insert.

The CHAIRMAN. The Chair understands it is one amendment. Now, this is a substitute to that. Is not that in order? The Chair thinks so.

Mr. TOWNER. This is only omitting a part of the motion to amend.

Mr. GOLDFOGLE. I think a substitute is in order to strike out the whole.

Mr. STAFFORD. Mr. Chairman, I respectfully submit the preference is always given to motions to perfect the text. This motion of the gentleman from Iowa is to strike out and insert, and that is a preferential motion to a motion to strike out, and must first be put. It does not preclude the gentleman from New York [Mr. GOLDFOGLE] offering his amendment in case the amendment of the gentleman from Iowa is refused. But at the present time it is not in order.

The CHAIRMAN. The Clerk will report both amendments.

The Clerk read as follows:

Amendment offered by Mr. TOWNER:
"Page 22, line 11, after the word 'thereat,' strike out the remainder of line 11, all of line 12, and down to and including the word 'therein,' in line 13, and insert in lieu thereof the following:
"'Upon the request of either of the parties to the litigation or the order of the court or judge.'"

Mr. BARTLETT. I call the attention of the Chair to section 449 of the Manual——

The CHAIRMAN. Now, the Clerk will read the substitute offered by the gentleman from New York [Mr. GOLDFOGLE].

The Clerk read as follows:

Substitute offered by Mr. GOLDFOGLE:
"Page 22, line 11, insert a period after the word 'thereat' and strike out the words:
"'Except when the judge dispenses with his services in a particular cause or with respect to any portion of the proceedings therein.'"

Mr. BARTLETT. Mr. Chairman, the amendment of the gentleman from Iowa [Mr. TOWNER] is to strike out the same words that the gentleman from New York offers to strike out, and to insert in their place certain substantive words and material. That must be first put before the motion to strike out the paragraph or section.

The CHAIRMAN. The amendment offered by the gentleman from New York is to strike out the same words as by the amendment offered by the gentleman from Iowa. The gentleman from Iowa asks to insert some other words to take their place, while the substitute of the gentleman from New York is to strike out and substitute nothing.

Mr. BARTLETT. That is it, exactly.

The CHAIRMAN. The Chair feels, with that understanding of the facts, that the amendment offered by the gentleman from Iowa should first be voted upon. Does the gentleman from New York [Mr. GOLDFOGLE] wish to be heard?

Mr. GOLDFOGLE. I do not desire to be heard on the point of order. I desire to be heard on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. GOLDFOGLE. Mr. Chairman, I agree with the gentleman from Iowa that the power given to a judge in the bill as proposed is rather a dangerous power. It may be exercised, possibly, to the great disadvantage and detriment and injury of a party litigant. And I recall cases in the appellate courts, both in my State and in other States in the Union, in which reversals were ordered upon matter appearing in the record in both civil and criminal cases, which reversals would not and could not have taken place had the record not disclosed fairly the proceedings had upon the trial. Comments of counsel frequently form a legitimate place in the record of a trial. There are a variety of things that occur to the mind of the lawyer who has had experience in the trial of causes, which require a record of them to be made in the trial proceedings. In the case of a judge who would be inclined to be arbitrary or obstinate I can conceive that many things that ought to find place in the record would not be there because of an order of the judge to the stenographer to keep them out. Under our system of judicature, under our very liberal system that obtains in courts of justice, I am quite unwilling to allow the power to be vested in any judge to keep out of the record such matters as he may desire to keep out, but which have a proper place in the trial record. That is really the power that would be given a judge under the proposed bill.

Now, so far as the matter which the gentleman from Iowa [Mr. TOWNER] would substitute for that which he seeks to have stricken out is concerned, I am again apprehensive that if that matter were inserted it might also lead to abuse. I would like to be with the gentleman from Iowa in his amendment, but on the spur of the moment I am inclined to think that the amendment would be even too broad a power to confer.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GOLDFOGLE. Certainly; with pleasure.

Mr. TOWNER. I will say to the gentleman from New York that I can conceive of no possible combination of circumstances that would permit any injustice being done, for this reason: As the section would stand then, it compels the reporting by the reporter of all of the trials and transactions that occur, unless the parties to the suits themselves waive it.

Mr. GOLDFOGLE. But you say "either party."

Mr. TOWNER. Yes.

Mr. GOLDFOGLE. You mean that either party might request it be left out, and then the judge could order it left out. I have not kept closely in mind the language of your amendment.

Mr. TOWNER. No, indeed; it is the other way. Either of the parties may request that this shall be done; either of the parties to the litigation may request that the report shall be made, or the judge himself may make the request that the report shall be made, so that any party who desires a full record, no matter what side he may be on, has the power to ask that there shall be a full record of the testimony taken.

Mr. GOLDFOGLE. Why should not a full record be made in every case? I want to say this to the gentleman from Iowa: I am not, of course, acquainted with the methods pursued in the courts in some of the States far distant from my State, but in my State, especially in my district—the southern district of New York—we take full record of the proceedings on the trial. We take the testimony in full; we mark the exhibits; and when the record is made up you have a perfect disclosure on it of what took place upon the trial between the court, the witnesses, and the counsel.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TOWNER. Let me say to the gentleman from New York that there are very many transactions in the courts where neither party desires all of the evidence taken—a great many transactions, in fact, where neither party nor the judge himself considers it of sufficient importance that any of it should be taken—and that, of course, saves a lot of trouble and expense. The parties to the suit have the right to preserve their rights by asking—either of them or any of them—that the full record shall be made, so that their rights may be fully preserved, if they desire. And even if the parties themselves might not desire the evidence to be taken and preserved, if the judge, for his own protection, desired that the evidence be taken and preserved, he has the right to make the order. So that it seems to me that everything possible that is necessary to preserve justice, or the opportunity for justice, to any party is preserved in the amendment.

Mr. GOLDFOGLE. Do I understand that in the State of Iowa the record is not completely made up by the stenographer, as, for instance, the taking down of the testimony, the objections, and the exceptions, and the charge of the court to the jury?

Mr. TOWNER. Certainly, in cases where it is desired; but the gentleman will understand that there are a great many cases that are tried where this is not done and where the parties do not desire it to be done.

Mr. GOLDFOGLE. It is not so over my way.

Mr. TOWNER. Oh, I think there must be in every court a great many of those proceedings that are not necessary to be preserved.

Mr. GOLDFOGLE. I understood a little while ago that each judge was to have the right to appoint a stenographer. Now, if that means anything at all, it means that a stenographer shall attend the court, that he shall take down the proceedings of the trial, so that the evidence or transcript of his minutes may be called for, and that whether for purposes of appeal or for some other purpose, the opportunity shall be afforded to the litigants to have that transcript furnished.

Mr. TOWNER. Certainly. There is no trouble about that.

Mr. GOLDFOGLE. That being so, why should there be anything in this act which would require any party to make a request in the first instance to have the case reported in full?

Mr. TOWNER. I will say to the gentleman that from a long experience on the bench I can safely say that in more than one-half of the transactions in the court, proceedings of various kinds, ex parte and otherwise, there is no necessity whatever that the entire proceedings should be reported, and nobody requires or asks that they shall be reported.

Mr. GOLDFOGLE. I have not reference to ex parte proceedings. I have reference to trials, both civil and criminal. And I want to say to the gentleman that after a very long experience on the bench I know that over my way they take upon the trial full notes of the proceedings; so much so that the appellate court has no difficulty at all in learning from the record what has taken place upon the trial, what the judge has done, and what he has said, so that the tribunal may be enabled intelligently to pass upon the questions presented for review.

Mr. TOWNER. Certainly. That is always the case whenever there is a trial or any contest whatever.

Mr. GOLDFOGLE. Would not the gentleman think it would be just as well to leave out all the words beginning with the word "except" down to the period, instead of inserting the words that the gentleman desires to have inserted?

Mr. TOWNER. No; because that would compel the stenographic reporting of all transactions of the court.

Mr. GOLDFOGLE. The gentleman means all the ex parte proceedings, and so on?

Mr. TOWNER. Yes.

Mr. GOLDFOGLE. I do not think that any judge cares to have ex parte proceedings taken down. I have no reference to them.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Has the gentleman from New York [Mr. GOLDFOGLE] concluded his remarks?

Mr. GOLDFOGLE. I have.

The CHAIRMAN. The gentleman's time has expired.

Mr. BARTLETT. Mr. Chairman, the gentleman proposes in his amendment, which I think is a proper one, that in those cases in which the parties think that they are of sufficient importance to have the services of a stenographer, or where the court itself shall direct it, whether the parties agree or not, and the case appears to be to him of sufficient importance, he then directs the stenographer to report the case, and it is only in those cases that it is compulsory upon the stenographer to take down the testimony. Is that correct?

Mr. TOWNER. The gentleman is correct in this, either party may demand—either party to the litigation.

Mr. BARTLETT. If one party declines and the other desires it, the judge can direct him to do it?

Mr. TOWNER. Yes.

Mr. BARTLETT. And if neither party desires it, the judge on his own motion can order it?

Mr. TOWNER. Yes.

Mr. BARTLETT. So that it depends upon either the wish or the views of one party to the suit, or the judge, as to the necessity of requiring this service?

Mr. TOWNER. Yes. This would leave it in this condition, that either party or the judge could demand that it be taken, whether the other party wishes it, or the judge wishes it, or not. His demand would be sufficient to require that the evidence be taken; or, if the parties themselves do not demand it, the judge may order it, so that in any case where any party to the litigation whatever might seek or require it, the opportunity will be given to have full record made.

Mr. BARTLETT. The gentleman understands that the Supreme Court of the United States, in the new rules which they have adopted, have endeavored to abolish the old method of bringing up everything that occurs in the court. They have adopted a new rule—which I think is a good one—which requires the parties to present the facts and what transpired in the trial in a narrative form, instead of embracing questions and answers and arguments pro and con and what the court said. The records of the courts have become so voluminous by pursuing the old method which the gentleman from New York [Mr. GOLDFOGLE] has referred to, of taking down every answer and every question and every objection and argument, that the court could hardly wade through them; and the Supreme Court, in the new rules they have promulgated, have provided what we have had in Georgia for 20 years, that you can not send up the stenographic report of what occurred and the questions and answers and all in that way, but that you shall present it in as concise a narrative form as the nature of your case will permit. That is what the Supreme Court requires now.

Mr. TOWNER. That is the rule also in our courts on appeal, I will say to the gentleman, and has been for many years.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from New York?

Mr. TOWNER. Yes.

Mr. GOLDFOGLE. Of course the gentleman from Georgia is right, so far as cases on appeal are concerned, because the record is made up in narrative form from the transcript of the stenographer's minutes of what occurred upon the trial.

Mr. BARTLETT. I understand.

Mr. GOLDFOGLE. Now, what I had reference to when I made my argument was that in the first instance, in the court in which the trial takes place, there should be a stenographic report of the matters that legitimately should go into the record, and the judge ought not to have the arbitrary power to say to a stenographer, "Do not take that down, and do not take this down"; so that when you come to make up your case on appeal in narrative form, lo and behold, you find many things omitted that ought fairly to be presented to the appellate court in order that it may determine whether the objections made were tenable, or whether, as in a case that is now present in my mind, a very recent case in my State, the court can say that the whole atmosphere of the trial was such that it could not be said the appealing party had a fair trial.

Mr. BARTLETT. There is no difference between the gentleman from New York and myself on that subject. I think whatever occurred in court, where the case is of sufficient importance to require the services of a stenographer, should be taken down; and if the gentleman had practiced law in the courts down where I live he would know from experience the absolute necessity for such a practice.

Mr. RUCKER. Mr. Chairman, I beg the indulgence of the committee for a few moments, in order to make a very important statement, which may involve a slight violation of the rules governing debate in the House. A long time ago, so long almost that "the memory of man runneth not to the contrary," Michael Gill filed a contest against the gentleman from Missouri [Mr. DYER]. That contest was referred to Committee on Elections No. 3. In due time the testimony was taken and filed. Arguments were heard months ago, and months ago the committee reached a final conclusion. Several days ago at least a report was prepared, as I am informed, and printed for the examination and approval of members of that committee before being formally filed in the House. I am informed that the report has been agreed to by all those who favor it, a majority, in number, of the committee, but it has not yet been filed, and the Lord only knows when it will be filed.

Let me say that there is no disposition on earth on my part to utter one word which, by any kind of implication or construction, might reflect upon or criticize any of the members of the committee; but I believe I am justified in saying that members of the committee are pleading with the chairman to file the report, which has been agreed upon, and let the House take such action thereon as in its wisdom it should take. I have no doubt the distinguished chairman of that committee, who is now present and hears what I say, has some reason for his action in this matter in failing and refusing to file the report. It may be that at some time in the dim past some other contest hung fire like this one, but it does seem to me, with all deference and respect to the distinguished gentleman, the chairman of the committee, that no good reason can be shown why, when a committee of this House has solemnly reached a conclusion, that conclusion should not be furnished in a report to the House. I want to say in behalf of the Missouri delegation that there is some anxiety about this matter; but I want to say, further, that not one of them, to my knowledge—and I believe I am correctly advised—has taken any part, certainly no objectionable part, in this contest in any wise. All we have done was quietly to await the action of a committee of this House, without seeking in any manner, shape, or form to affect its action. But the committee having acted, we now feel that we have a right to demand, or I prefer to say, we feel we have a right to respectfully request, the chairman of the committee to take that committee's report out of his pocket and file it with the Clerk of this House, where it ought to be.

I make these remarks, Mr. Chairman, in the best of good humor, confessing my superb regard for the distinguished chairman and his great ability; but I have tried to make them pointed enough and plain enough, if possible, to induce the good gentleman to tell us when the House of Representatives may have the benefit of the deliberations and judgment of his great committee.

Mr. STAFFORD. Regular order, Mr. Chairman.

Mr. GOLDFOGLE. Mr. Chairman, the gentleman from Missouri [Mr. RUCKER] was right when he said he was digressing from the legitimate line of debate on this bill. I appreciate the good nature of the gentleman from Missouri, and want to thank him for the very kind compliment that he paid to the chairman of the Committee on Elections No. 3; but I would like to say to the gentleman from Missouri that he is a little in error with regard to the facts in the case to which he referred. If this were the time to enter upon a discussion of the facts and a recital of the details, I would be better enabled to enlighten the gentleman from Missouri as to the course——

Mr. RUCKER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. GOLDFOGLE. In a few moments. I say I would be better enabled to enlighten the gentleman, if light were at all needed, as to the time it took to hear and determine the matters in controversy in that election case and to prepare in proper form and present to the House the committee report. However, I permit myself very briefly to call attention to the fact, not because it has a place in this debate, but so that I may in kind return my respects to the gentleman from Missouri, and to assure him that I am appreciative of his good nature. It was not until the beginning of the second session of this present Congress that in due course of practice and procedure of the House, with which, of course, the gentleman from Missouri is thoroughly familiar, the testimony in the case reached the committee. The testimony is embraced in two volumes, comprising 2,205 closely printed pages. The type in which it is printed is so small that really it has been most trying to the eye. If the record were printed in the type we are accustomed to use for appeal cases in my State, it would probably take up some 4,000 or 5,000 pages at least. In the type in which we print the hearings of committees it would likely make 7,000 or 8,000 if not more pages of print.

Mr. RUCKER. Will the gentleman yield?

Mr. GOLDFOGLE. Pardon me. I will yield to the gentleman from Missouri as soon as I complete my statement as to the record in the case. It is not before me now, but I think I have a clear recollection.

The briefs were voluminous. There was no desire on the part of the chairman of the Elections Committee, and there never will be a desire on the part of the chairman of the committee to determine any election case in any partisan spirit. I think I can speak for the committee over which I am privileged to pre-

side when I say I do not believe there was any desire on the part of members of that committee to determine the questions in any hasty or partisan way.

Mr. RUPLEY. Mr. Chairman——

Mr. RUCKER. Will the gentleman yield now?

The CHAIRMAN. Does the gentleman yield?

Mr. GOLDFOGLE. I yield to the gentleman from Missouri for a question.

Mr. RUCKER. Having decided all the questions contained in this voluminous record, why will not the chairman present the report of the committee?

Mr. GOLDFOGLE. In a moment I will tell the gentleman from Missouri, in the same spirit of good nature which he referred to me. The briefs submitted, I was about to say, were quite voluminous, the authorities cited were many, the questions that were presented were complex, and after we had gone through this record, after we had heard a motion to take further testimony, and after we concluded upon what we would do, the report was drawn. It was sent as a matter of courtesy to the different gentlemen of the committee before it was to be filed, so that if anything was to go in, or anything had been omitted by error, it might be corrected, and all questions avoided as to matter, form, or substance. I told some gentlemen, not that I need state it now, but the gentleman from Missouri is so extremely good-natured I can not resist telling him, that the chairman of the Committee on Elections No. 3 will, within a very short time, submit the report for the action of the House in the manner in which reports have usually been submitted, according to my experience and what I believe to be the practice of the House.

Mr. RUCKER. Mr. Chairman, the gentleman from New York having told me that the good-natured chairman will in a very, very short time make his report, and having taken so long a time——

Mr. GOLDFOGLE. Oh, the gentleman is in error; he did not take a long time. I am afraid my friend, who has had a long experience in the House and is a distinguished and able Member, has forgotten the course that these elections cases generally run. I know the gentleman has been very busy with the business of the House, that he has his hands full of matters in his own committee, and I know how ably he presides, and I know that the gentleman would not want to rush headlong into anything.

Mr. RUCKER. This case was settled long and long ago.

Mr. RUPLEY. Will the gentleman yield?

Mr. GOLDFOGLE. For a question.

Mr. RUPLEY. I am a member of the Elections Committee No. 3.

Mr. GOLDFOGLE. I trust the gentleman from Pennsylvania will recognize the fact that in this Committee of the Whole is not the place where the internal matters of the committee are to be discussed.

Mr. RUPLEY. I trust the gentleman from New York will recognize the fact that this is the place and the forum.

Mr. GOLDFOGLE. To pass upon the report of the committee?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RUCKER. Mr. Chairman, I ask that the time of the gentleman be extended three minutes.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from New York be extended three minutes. Is there objection?

Mr. STAFFORD. I object.

Mr. RUPLEY. Mr. Chairman, I desire to address the Chair in my own right.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. RUPLEY. Mr. Chairman, I desire to interrogate the chairman of the Committee on Elections No. 3.

Mr. GOLDFOGLE. I raise a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. The matter on which the gentleman desires to interrogate the gentleman from New York has no place now, while we are under the five-minute rule upon a revision of the laws in the Committee of the Whole House on the state of the Union.

Mr. RUCKER. A parliamentary inquiry.

The CHAIRMAN. A point of order is now before the House. The gentleman from Pennsylvania has the floor, and the gentleman from Missouri can not take him off his feet by a parliamentary inquiry.

Mr. RUPLEY. Mr. Chairman, I have listened to the discussion between the distinguished gentleman from Missouri [Mr. RUCKER] and the chairman of Elections Committee No. 3, the gentleman from New York, on the contest pending in this election between Michael J. Gill and Congressman Dyer. As a member of that committee I have insisted——

Mr. GOLDFOGLE. Mr. Chairman, I raise a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I raise the point of order that the matter to which the gentleman has reference is not germane to the bill now under consideration.

The CHAIRMAN. The point of order is well taken.

Mr. RUCKER. Will the gentleman from Pennsylvania yield?

Mr. RUPLEY. Yes.

Mr. RUCKER. Mr. Chairman, is it in order to move to suspend the rules long enough for the gentleman from Pennsylvania to ask the gentleman from New York one question?

The CHAIRMAN. The gentleman can not move to suspend the rules in Committee of the Whole.

Mr. RUCKER. I was not sure that it could be done, but I wished to find out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. TOWNER. Mr. Chairman, a suggestion was made by the gentleman from Wisconsin [Mr. STAFFORD] that perhaps the better place for the insertion of this amendment would be in line 8 instead of where the language is stricken out in line 11. I think that that is true, and with the consent of the committee I will change my amendment so that the insertion shall follow the word "and" in line 8. So that part of the section will read as follows:

Such stenographers shall, under the direction of the judge, attend all sessions of the court, and upon the request of either party to the litigation, or the order of the court or judge, take full stenographic notes of the testimony and of all objections, rulings, exceptions, and other proceedings given or had thereat.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa to modify his amendment as suggested?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 22, line 8, after the word "and," insert the words "upon the request of either of the parties to the litigation, or the order of the court or judge." And on the same page, line 11, strike out the words "except when the judge dispenses with his services in a particular case, or with respect to any portion of the proceedings therein."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. GOLDFOGLE. Mr. Chairman, I withdraw the amendment that I offered.

The CHAIRMAN. Without objection, the gentleman from New York withdraws his amendment.

There was no objection.

The Clerk read as follows:

SEC. 54. The stenographer shall, upon request, furnish, with all reasonable diligence, to the defendant or his attorney in a criminal cause, or a party or his attorney in a civil cause, a copy from his stenographic notes of the testimony and proceedings, or a part thereof, upon the trial or hearing, upon payment by the person requiring the same of the fees provided elsewhere in this title: *Provided*, That he shall make no charge for such services when rendered on behalf of the United States or when the judge requires such a copy to assist him in rendering the decision.

Mr. IGOE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 22, line 26, after the word "decision," insert the following: "*Provided also*, That in criminal cases punishable by imprisonment or death, where the defendant shall have been found guilty, a transcript of the evidence shall be furnished the defendant for use on appeal or writ of error in any court of review, and the cost of furnishing same shall be borne by the Government of the United States, provided the defendant shall make request therefor and shall file with his request a statement under oath that he is without means to pay the cost thereof and is unable to procure funds with which to pay the same."

Mr. IGOE. Mr. Chairman, I would like to state that this amendment was prepared by the gentleman from Illinois [Mr. GORMAN], who is not here at the present time. I think the amendment is a good one and should be adopted. It explains itself. The purpose of the amendment is to give the defendants in criminal cases who are unable to pay for a transcript the right to secure, on filing an affidavit of inability to pay, a copy of the testimony taken in the criminal cases at the expense of the United States Government.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. BARTLETT. What are the requirements in the affidavit that he must make?

Mr. IGOE. He files a request for the transcript, together with a statement under oath that he is unable to pay for it and is unable to procure funds with which to pay for it.

Mr. WATKINS. Mr. Chairman, it is perfectly evident that every defendant—at least, a large majority of them—will avail

himself of this privilege, if the man is on trial for a criminal offense, particularly if he is guilty—if, in other words, he is a criminal not yet convicted. If he has been so badly disposed toward the law of the country as to violate the criminal laws, it is perfectly evident that he will always make this application and affidavit. I do not think that on a mere statement, whether sworn or unsworn, of the ordinary defendant in a court on the criminal docket we ought to grant this privilege at the expense of the Government. On the other hand, however, if there was sufficient showing made to satisfy the court that the defendant was a pauper, that he was not able to bear the expense, then it may be it would be proper for the Government to go to the expense of furnishing him with his testimony; but I shall certainly oppose the amendment unless the wording of it is so modified as to leave it clearly within the discretion of the court to say whether a sufficient showing has been made to justify the court in coming to the conclusion that the defendant is not financially able to bear the expense of the transcript.

Mr. TOWNER. Mr. Chairman, the matter raised by this amendment is really of considerable importance. I wish it might be more carefully considered by the committee. I think there ought to be some provision by which under some circumstances an indigent man charged with a serious crime could procure for his aid in appeal a copy of the testimony. I think there is no provision in the bill by which this can be secured, and it might result in a denial of justice. On the other hand, there are a great many cases that would come within the amendment that the gentleman has offered; for instance, cases against the postal laws and against the revenue laws, where the penalty is imprisonment, which are comparatively unimportant and in which, without an application made to the court or judge, the right ought not to be given to the defendant to procure the copy of the transcript of the evidence at the expense of the Government. My idea would be, if the amendment could be changed so that the application should be made to the court, and by him granted in his discretion, except in capital cases or in cases where the punishment might be imprisonment for life; and I think in such cases the man ought to have the right to the transcript whether or not the court orders it; in all other cases, I suggest it would be better if it were left to the judge to determine whether it should be granted.

Mr. IGOE. Does the gentleman mean that it should be left to the discretion of the court altogether, or does he mean to leave it to the court to determine whether the defendant is able to pay?

Mr. TOWNER. Yes; and whether it should be done at the expense of the Government.

Mr. IGOE. I would like to suggest I would be willing to modify the amendment, if it would meet the approval of the committee, so that the judge of the court might pass upon the affidavit and inquire into the facts as to the ability of the defendant to pay for the transcript, leaving it, therefore, to the judge to determine.

Mr. TOWNER. Would it not be necessary only to add to the amendment the words "at the discretion of the court"?

Mr. IGOE. I do not know that it would be very much of an improvement to leave it to the discretion of the court, both as to the ability to pay and as to whether the application should be granted. The judge might be a little bit backward about granting a free transcript in certain cases.

We know of one very prominent case very recently where the court indicated all through the trial a disposition to belittle the defense, and if one of the defendants in a case of that sort should apply for a transcript the judge might be unwilling to grant the request.

Mr. TOWNER. Mr. Chairman, I will say to the gentleman that if he will modify his amendment, even as he says, I will support it, although I would be better satisfied if it were left to the discretion of the court.

Mr. IGOE. Then I ask unanimous consent to modify my amendment by striking out the last proviso and inserting the following:

Provided, The defendant shall make request therefor and shall prove to the satisfaction of the judge that he is without means to pay the cost thereof and is unable to procure funds with which to pay the same.

Mr. WATKINS. Mr. Chairman, I think there will be no objection to that verbiage unless it is intended to strike out all of it after the word "provided."

Mr. IGOE. In the amendment I offered?

Mr. WATKINS. Oh, yes.

Mr. IGOE. This is an amendment to my amendment.

Mr. WATKINS. Yes.

The CHAIRMAN. The Clerk will report the amendment as modified.

Mr. TOWNER. I think perhaps it should read "provided also," because it follows the language "provided."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the last proviso in the amendment and insert in lieu thereof the following: "Provided the defendant shall make request therefore and shall prove to the satisfaction of the judge that he is without means to pay the cost thereof and is unable to procure funds with which to pay the same."

Mr. STAFFORD. Now, Mr. Chairman, may we have the amendment reported as amended?

The CHAIRMAN. The Clerk will report the amendment as amended.

The Clerk read as follows:

Page 22, line 26, after the word "decision," insert the following: "*Provided also*, That in criminal cases punishable by imprisonment or death, where the defendant shall have been found guilty, a transcript of the evidence shall be furnished the defendant for use on appeal or writ of error in any court of review, and the cost of furnishing same shall be borne by the Government of the United States, provided the defendant shall make request therefor and shall prove to the satisfaction of the judge that he is without means to pay the cost thereof and is unable to procure funds with which to pay the same."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 55. The stenographer shall attend to the duties of his office in person, except when excused for good and sufficient reason by order of the court, which order must be entered upon the minutes of the court. When the stenographer of any court has been excused in the manner provided by this section, the court may appoint a stenographer pro tempore, who shall take the same oath and perform the same duties and receive the same compensation during the time of his employment as the regular stenographer.

Mr. STONE. Mr. Chairman, observing men have noticed for same time a nation-wide propaganda against the progressive policies of the present administration. It seems to be the hope of certain powerful interests, by a campaign of misrepresentation of the laws already enacted, to deter President Wilson from carrying out his program. The objection really is not so much to what has been accomplished as to what is in prospect. The gigantic trusts and monopolies that have had their unholy hands on the throats and in the pockets of the American people seek to prevent the passage of legislation that will require them to comply with the rules of fair trade and that will make those personally liable for violations of the antitrust law suffer for their wrongdoing. If they should direct their efforts against the particular measures which they wish to defeat, their motives would be manifest and their movement would fail. Instead they attack other matters of less or no concern to them and pursue the attack with vigor and venom in the belief that thereby they will cause our able and courageous President to think it expedient to abandon his plans for further legislation until this manufactured storm about completed legislation has subsided.

Generally the misleading statements appear anonymously as news articles, sometimes in the larger city dailies, but more often in the patent insides of country weeklies innocently purchased by the editors from the ready-print trust. In this way the authorship is seldom fixed and, therefore, responsibility for the false utterances is avoided. It is only occasionally that such erroneous statements are made by an individual of prominence under such conditions as to reveal his identity.

Such an instance occurred recently in my home city of Peoria, Ill. On the evening of April 27 Hon. Frank O. Lowden delivered an address to a Republican club there. Mr. Lowden was formerly a Member of this House, but is now known chiefly because of his connection with the Pullman Co., a corporation which, by requiring the traveling public to give generous tips for service which the company ought to provide and by other economies, has been enabled in the last few years to issue over 100 per cent in stock dividends, pay 8 per cent cash dividends on its stock regularly, and accumulate an enormous surplus. In the course of his remarks he presented as facts things so utterly false that his announcement of them must be attributed either to pitiful ignorance or to dastardly design. If unchallenged, their tendency would be to destroy confidence, cause business depression, and bring disaster upon the country. In referring to the Federal reserve act, which established a new banking and currency system, Mr. Lowden said:

Under its provisions the Federal Reserve Board have the power to suspend for 30 days the requirement that notes be redeemed in gold, and to continue this suspension for 15 days further from time to time. Many men fear that in times of great financial stringency the board may, yielding to the tremendous pressure which will be brought upon them, so use this power that the whole question of fiat money will have to be fought over again, particularly in view of the fact that the new currency provided for is not to be issued by the banks, as it should be, but by the Government. For it will be easy to make those who never have favored the gold standard believe that the value of the currency to be issued depends not upon the requirement of its redemption in gold, but upon the fact that the Government has issued it.

The contention that the Federal reserve notes are not at all times and under all circumstances redeemable in gold is absurdly false. Section 16 of the Federal reserve act states:

The said notes shall be obligations of the United States, and shall be receivable by all national and member banks and Federal reserve banks, and for all taxes, customs, and other public dues. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, D. C., or in gold or lawful money at any Federal reserve bank.

Nowhere is there a provision which under any possible construction gives to the Federal Reserve Board authority to suspend this requirement for redemption. In order to give double assurance that Federal reserve notes are always redeemable in gold it is provided in section 26 that—

Nothing in this act contained shall be construed to repeal the parity provision or provisions contained in an act approved March 14, 1900, entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes."

The act of March 14, 1900, just mentioned, is familiarly known as the gold-standard law, and provides:

That the dollar consisting of 25.8 grains of gold nine-tenths fine, as established by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

The Secretary of the Treasury may, for the purpose of maintaining such parity and to strengthen the gold reserve, borrow gold on the security of United States bonds, issue one-year gold notes bearing interest at a rate not to exceed 3 per cent per annum, and so forth.

The ordinarily astute Mr. Lowden surely allowed his boldness or recklessness to lead him into this unwarranted assault upon the Federal reserve act. It was uncomplimentary to the audience which he addressed to assume that their intelligence would accept such an absolutely baseless assertion. No well-informed and truthful banker will attempt to sustain him in the argument which he advanced. His position is entirely untenable, and candor should compel him to admit the fact and undertake to correct the wrong which his public criticism has caused.

Perhaps Mr. Lowden will endeavor to justify his charge by quoting the first part of division (c) of section 11 of the Federal reserve act, wherein the Federal Reserve Board is authorized and empowered—

To suspend for a period not exceeding 30 days, and from time to time to renew such suspension for periods not exceeding 15 days, any reserve requirement specified in this act.

The power to suspend the reserve requirements does not affect nor qualify the redemption features of the law. The reserve requirements are set forth in detail in section 19. They specify the per cent of the demand deposits and of the time deposits which a bank must keep in its vaults and in the Federal reserve bank of its district, and the amount of gold held by the Federal reserve banks to redeem outstanding Federal reserve notes. A suspension of these requirements would permit the holding by a bank of a less amount in its vaults and in the Federal reserve bank of the district. This would enable a bank in an emergency to pay out more than it would ordinarily be permitted to do in order to satisfy an unusual demand to liquidate liabilities, but it does not alter the character of the money used to make payments nor to redeem Federal reserve notes. Any confusion on this subject is cleared by the first proviso under division (c) of section 11, which immediately succeeds the portion heretofore quoted, and which is as follows:

That it (Federal Reserve Board) shall establish a graduated tax upon the amounts by which the reserve requirements of this act may be permitted to fall below the level hereinafter specified.

The remainder of division (c) is devoted to a schedule of penalties to be increasingly applied as the gold reserve held against Federal reserve notes falls below 40 per cent. There is not the slightest suggestion anywhere in the Federal reserve act that the suspension of the reserve requirements involves more than the amount of the reserves. The penalties prescribed refer wholly to a possible deficiency in the amount of the gold reserve and not at all to a change in the character of the reserve.

The power conferred by the Federal reserve act upon the Federal Reserve Board to suspend the reserve requirement is not a new proposition, nor has it proved a dangerous one. A power analogous to this was exercised by the Comptroller of the Currency with respect to national banks for nearly 50 years. Section 5191 of the national-bank act provides that—

The Comptroller of the Currency may notify any association whose lawful money reserve shall be below the amount above required to be kept on hand to make good such reserve; and if such association shall fail for 30 days thereafter so to make good its reserve of lawful money, the comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section 5234.

Under section 5191 of the national-bank act, the Comptroller of the Currency was explicitly authorized to tolerate for a period of 30 days a violation of the reserve requirements of the act without applying a penalty. This power was often abused, and violations were tolerated for several years instead of for a single month. The penalty prescribed for the offense indicated was so radical that it was not applied in the whole history of the national banking system. The Federal reserve act does not lodge this power in one man, but commits it to a board of seven men and charges them with the duty of prescribing and enforcing a reasonable penalty for violation of law. The power to suspend reserve requirements as to their amount was included in the law because three times within 60 years the British Parliament has found it necessary to sanction by law similar suspensions in order to arrest panics in Great Britain. It will rarely if ever be used, but it is important that the Federal Reserve Board should have this power. Even if used, it does not mean that "the whole question of fiat money will have to be fought over again." That might result if such action were allowable as was taken in 1907, when, under the old system, banks refused not merely to pay deposit liabilities in gold or lawful money, but refused to pay out money or currency of any kind.

The suggestion that Federal reserve notes constitute a fiat currency reaches the height of the ridiculous. The most casual survey of the conditions governing the issuance of this currency and the securities provided for its redemption disproves such an insinuation.

The Federal reserve act provides that the Federal Reserve Board may, in its discretion, issue to a Federal reserve bank, on application, currency in amount equal to collateral presented and indorsed by the Federal reserve bank and the member banks and deposited with it as security for such currency issues, the collateral thus deposited being notes, drafts, or bills of exchange arising out of actual commercial transactions, or being issued or drawn for agricultural, commercial, or industrial purposes, or the proceeds of which have been used or are to be used for such purposes, having a maturity not not exceeding 90 days except in the case of certain agricultural paper, where a longer maturity is allowed.

This currency is issued by the United States Government, is its obligation, and is redeemed by the United States Government in gold if presented to it for redemption. The credit of the United States alone has proved sufficient to make the greenback as good as gold, but the Federal reserve notes have behind them not only the credit of this great Republic, representing $125,000,000,000 of property and the strongest and most virile Nation with the most stable form of government that the world has ever known, but besides have behind them in array of other securities which would be ample in themselves.

What are these other securities?

First, there is the obligation of a trusted citizen to a member bank upon his negotiable paper of a qualified class based upon an actual commercial transaction. Experience has shown that the probability of failure of that security is about 1 in 10,000.

Second, there is the obligation of the member bank that indorsed the commercial paper. The probability of a bank in good standing which has been extended accommodation by the Federal reserve bank failing within 90 days is about 1 in 25,000. Before the Government of the United States can lose by the issuance of a Federal reserve note on commercial paper of the kind required both the trusted citizen and the member bank must fail within the same 90 days. The probability of failure of these two securities occurring within the same 90 days would be 1 in 10,000 multiplied by 25,000, or 1 chance in 250,000,000.

These two securities for Federal reserve notes, the individual credit of the drawer of the commercial paper and of the member bank which indorses it, have been sufficient in other countries, as in Germany, which emits legal-tender notes against commercial paper, and also in France, that has the right to issue legal-tender notes against commercial paper taken by the Bank of France for discount.

However, under the Federal reserve system a chance for loss, so remote as to be in the ratio of one to two hundred and fifty million, is protected by a series of additional safeguards. The Federal reserve notes are further secured by the stock of the member bank in the Federal reserve bank, by the reserves of the member bank on deposit in the Federal reserve bank, by the double liability of the stockholders of the member bank, by the 40 per cent gold reserve, by the surplus and earnings of the Federal reserve bank, by the first lien upon all the assets of the Federal reserve bank, by the double liability of the member banks belonging to the Federal reserve bank, and by the double

liability of the stockholders of the member banks of the Federal reserve bank.

It seems inconceivable that the Federal reserve notes, protected as they are in these various ways, should be compared with fiat currency which has behind it only the Government credit. Other objections have been urged to the system, but no critic of the Federal reserve act, save Mr. Lowden, whether banker, business man, or specialist, has had the audacity to seriously contend that the Federal reserve notes are not entirely safe. As a practical fact the security behind the Federal reserve notes is many times more than sufficient to satisfy the obligation before the holder would reach the United States Treasury, but superimposed upon the 10 lines of security already outlined is the obligation of the United States. To express solicitude about the soundness of such currency is to exhibit sheer foolishness. Sensible people will not be deceived nor alarmed by such an unfounded complaint, by such an obvious pretense. The outcry of Mr. Lowden will prove futile, because to be otherwise it would require such a degree of simplicity and credulity among the people as has never been witnessed since the world began.

The Federal reserve notes are not only sound but their volume can be increased or decreased to meet the requirements of trade and commerce. Our country has never before had an elastic currency. At times it was redundant and encouraged reckless speculation with the consequent reaction and depression. At other times it was so stringent that the rates of interest became exorbitant, and business of all kinds was practically paralyzed.

The President recommended the character of currency which should be authorized when in the course of his message on banking and currency he said:

> We must have a currency, not rigid as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of everyday transactions, the normal ebb and flow of personal and corporate dealings.

The great purpose outlined by the President has been accomplished in the Federal reserve act. Everyone has recognized for years the necessity of making provision for the varying currency demand. All nations which have a modern financial system have long had such a currency. Yet distinguished but now discredited Republican leaders in Congress delayed and denied relief from year to year, until the demands of the people changed to reproaches. Under the leadership of a Democratic President, who yields neither to greed nor to declamation, who has the courage and the constancy to fulfill his promises, the Sixty-third Congress has provided for such a currency as will give prompt and efficient relief.

The complaint of Mr. Lowden, that the new currency "is not to be issued by the banks, as it should be, but by the Government," will meet with the hearty concurrence of every Wall Street financier, but will not get a favorable response from the great masses of the American people. The President voiced the will of an overwhelming majority of the people of this country when in the course of his message he suggested that—

> The control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that banks may be the instruments, not the masters, of business and of individual enterprise and initiative.

Deep-rooted in the American mind is the idea that control of the currency is a function of sovereignty, not to be surrendered to banks or private interests; that the people's money ought to be issued and controlled by the people's Government. Inasmuch as all business and industry are dependent for success upon the volume and the circulation of currency, its issuance should be controlled by the Government for the public good, not by large individual banks, whose policy would be directed by their own profit and interests. Such great power should be exercised for the benefit of all the people and not for the enrichment of a few. It is only through accredited Government officers that the people can act in this matter, and it is far preferable to intrust this power to representatives of the people than to private individuals, who have no public responsibility and hence no obligation to work for the public betterment in preference to their own selfish interests.

No, Mr. Chairman, instead of being made the object of bitter attack, the Federal reserve act deserves to be warmly welcomed by all who value and who would preserve the rights of the people. It is freighted with reforms and benefits. It remedies the weaknesses and deficiencies and corrects the evils of the national-bank system. It avoids the vices and dangers and monopolistic tendencies of the Aldrich scheme which the Republican Party proposed. It embodies so much of all established systems as has been shown by the stress and storm of experience to be free from defect, supplemented by what experience has shown to be lacking. It serves alike and without partiality or injustice all classes and interests and promotes all legitimate business. It will save the country in the future from the paralyzing influence of monopoly of money and bank credits; effectively prevent panics which have heretofore threatened our whole financial structure; avoid the prospect of disaster always imminent while Wall Street could put into the maelstrom of stock operations the hundreds of millions of dollars of the reserves of interior banks by requiring that hereafter reserves shall be kept in the Federal reserve banks to be dedicated to the development of commerce, agriculture, and manufactures in the Federal reserve district where the money belongs; create a discount market where commercial paper can be readily discounted, thus enabling banks to extend to customers all prudent and legitimate accommodation; permit the extension by banks of their activities into foreign fields, so that it will be possible for them to handle a vast amount of highly profitable business which American business men are accustomed to turn over to foreign institutions, for the simple reason that under the old order of things American banking institutions were not allowed to establish foreign branches; and provide a more effective and less expensive method of domestic exchange and collection and also a system of examination and publicity which better safeguard the banking operations of the country.

The system will stand the test of fair disputation. Yes; it will survive even the crafty and shameless assaults which a desperate political exigency has caused to be directed against it. Seven thousand four hundred and eighty-two out of a possible seven thousand four hundred and ninety-seven national banks have already signified their intention to join the system, thus assuring its success and at the same time hurling the lie into the faces of those who prophesied its failure through the refusal of the banks to join. Under its beneficent operation and despite the pretended anxious doubts and chilling fears of political marplots who to regain lost power or to intimidate persons charged with a public duty would bring upon their countrymen the ruin which they affect to decry, this mighty Republic is destined to advance rapidly and continuously along the pathways of progress and prosperity.

Mr. TOWNER. I would like to ask the chairman of the committee if he does not think the language in line 6, the word "may" should be changed to "shall." If it leaves the power in the discretion of the judge whether, when a vacancy occurs, he may or may not appoint a stenographer to act in his stead, would not that act as a means by which a report of the transactions of the court might fail?

Mr. WATKINS. I will state to the gentleman there may be some case in which it would not be absolutely necessary for the court at once to appoint the stenographer. The word "may" was left in the discretion of the court ad interim—that is, at the time the vacancy occurs and the time of appointment of a permanent stenographer—and I do not think there would be any danger in leaving it to him. It is possible there may be occasion when it would not be necessary at once to go to the expense or for the court to take the trouble of selecting some one to appoint at that particular time. Sometimes judges go away to spend their vacations, and there may be contingencies in which it would not be absolutely necessary to appoint the permanent stenographer. The word "shall" is peremptory, and would force him at once to make the appointment.

Mr. TOWNER. I think, perhaps, that might be true; but I merely desired to suggest that to the chairman. Of course, taken in connection with the amendment already adopted by the committee, it allows parties to proceedings to demand that the evidence shall be taken, and I think perhaps no harm can be done.

The Clerk read as follows:

> SEC. 57. The following and no other compensation shall be taxed and allowed to attorneys, solicitors, and proctors in the courts of the United States, to district attorneys, clerks of the circuit courts of appeals and district courts, marshals, commissioners, jury commissioners, stenographers, witnesses, jurors, and printers, in the several States and Territories, except in cases otherwise expressly provided by law. But nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining some information. I notice that in the present paragraph the committee has inserted two new classes—jury commissioners and stenographers. I assume that jury commissioners at the present time have no stated salary or stated fees, and in the bill as proposed the gentleman is going to limit the fees of the jury commissioners.

Mr. WATKINS. They are fixed at $3 a day.

Mr. STAFFORD. Does the gentleman intend to change the present regulations, so far as jury commissioners are concerned?

Mr. WATKINS. I see no cause for it.

Mr. STAFFORD. Very well. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

Mr. WATKINS. Excuse me for just a moment. I want to answer the gentleman's question properly.

Mr. STAFFORD. I direct the attention of the chairman to section 92, page 59.

Mr. WATKINS. That is what I was going to say; I was mistaken about the compensation. I had in mind jurors instead of jury commissioners. It is $5 a day for jury commissioners; and I had in mind jurors when I answered the question.

The Clerk read as follows:

SEC. 59. The United States district attorney for each of the following judicial districts of the United States shall be paid, in lieu of all fees, per centums, and other compensations, an annual salary, as follows: For the northern and middle districts of the State of Alabama, each $4,000; for the southern district of the State of Alabama, $3,000; for the district of Arizona, $4,000; for the eastern and western districts of Arkansas, each $4,000; for the northern district of California, $4,500; for the southern district of California, $4,000; for the district of Colorado, $4,000; for the District of Columbia, $6,000; for the district of Connecticut, $2,500; for the district of Delaware, $2,000; for the northern and southern districts of Florida, each $3,500; for the northern district of Georgia, $5,000; for the southern district of Georgia, $3,500; for the district of Idaho, $4,000; for the northern district of Illinois, $10,000; for the southern and eastern districts of Illinois, each $5,000; for the district of Indiana, $5,000; for the northern and southern districts of Iowa, each $4,500; for the district of Kansas, $4,500; for the eastern and western districts of Kentucky, each $5,000; for the eastern district of Louisiana, $3,500; for the western district of Louisiana, $2,500; for the district of Maine, $3,000; for the district of Maryland, $4,000; for the district of Massachusetts, $5,000; for the eastern district of Michigan, $4,000; for the western district of Michigan, $3,500; for the district of Minnesota, $4,000; for the northern and southern districts of Mississippi, each $3,500; for the eastern and western districts of Missouri, each $4,500; for the district of Montana, $4,000; for the district of Nebraska, $4,000; for the district of Nevada, $4,000; for the district of New Hampshire, $2,000; for the district of New Jersey, $5,000; for the district of New Mexico, $4,000; for the southern district of New York, $10,000; for the northern, western, and eastern districts of New York, each $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $4,500; for the district of North Dakota, $4,000; for the northern and southern districts of Ohio, each $4,500; for the eastern and western districts of Oklahoma, each $4,000; for the district of Oregon, $4,500; for the eastern district of Pennsylvania, $6,000; for the middle and western districts of Pennsylvania, each $4,500; for the district of Rhode Island, $2,500; for the eastern and western districts of South Carolina, $4,500, $2,500 of which shall be for the performance of the duties of district attorney for the western district; for the district of South Dakota, $4,000; for the eastern, middle, and western districts of Tennessee, each $4,500; for the northern, southern, eastern, and western districts of Texas, each $4,000; for the district of Utah, $4,000; for the district of Vermont, $3,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $4,500; for the eastern and western districts of Washington, each $4,500; for the northern and southern districts of West Virginia, each $4,500; for the eastern and western districts of Wisconsin, each $4,000; and for the district of Wyoming, $4,000.

Mr. CALDER. Mr. Chairman, I submit the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 27, line 20, after the word 'western,' strike out 'and eastern,' and in line 20, after the word 'northern,' insert the word 'and,' and in line 21, after the word 'dollars,' insert 'for the eastern district of New York, $6,000.'"

Mr. CALDER. Mr. Chairman, this amendment, if agreed to, will fix the compensation of the United States district attorney of the eastern district of New York at $6,000. The salary he receives now is $4,500. The eastern district of New York is composed of the counties of Kings, Queens, Suffolk, Nassau, and Richmond in that State, and contains a population of 2,500,000 people; all of the great Boroughs of Brooklyn, Queens, and Richmond, of the city of New York, besides the counties of Nassau and Suffolk are contained in the district. In this district we have five State's attorneys, or county district attorneys, and in the county of Kings, which contains the Borough of Brooklyn, the district attorney receives a salary of $10,000 a year. In the county of Queens he receives $8,000 and in the counties of Richmond, Nassau, and Suffolk $5,000. The salary of $4,500 was fixed many years ago when the population and business of this district was small comparatively. In the old days most of the business in that part of the State was transacted in the southern district, which was the old city of New York. Four years ago Congress created an additional judge in the eastern district, and since then the business has more than doubled.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. CALDER. With pleasure.

Mr. BARTLETT. Is it not a fact until recent years the district attorneys were entitled to certain fees as compensation——

Mr. CALDER. Yes.

Mr. BARTLETT. And that in addition to their salary?

Mr. CALDER. Yes.

Mr. BARTLETT. But in recent years, I do not recollect exactly the date, although I could obtain it in a moment, we have fixed the salary of the district attorneys at a certain amount instead of paying fees?

Mr. CALDER. Yes.

Mr. BARTLETT. And the compensation that we have fixed for the district attorney in this district to which the gentleman has reference is not commensurate with the duties he has to perform and the service he has to render?

Mr. CALDER. That is so.

Mr. BARTLETT. And in order to get the class of lawyers who ought to be in a position to discharge these important duties the salary ought to be sufficient to attract to it that class of lawyers that can perform the duties best?

Mr. CALDER. Mr. Chairman, the gentleman from Georgia is correct. Forty-five hundred dollars paid a man fit to be district attorney in the great city of New York, I am sure you will all agree, is nowhere near enough.

Mr. BARTLETT. I do not think it is enough for a United States district attorney in any district in the United States.

Mr. CALDER. I agree with the gentleman on that, too, especially as to this great city, where we pay the county district attorney a salary of $10,000, and in the other counties in that district more than the amount the United States Government pays. This man has four assistants under him, and the place ought to attract the very best legal talent we have. And the pay—$4,500—I am sure the committee must agree, is not sufficient.

Mr. BARTLETT. Not only that, if the gentleman will permit me, but take the district in which I live, the southern district of Georgia. The southern district of Georgia is provided a district attorney, at $3,500, and the northern district a district attorney, at $5,000, the northern district embracing Atlanta, where they try a thousand cases, I presume, a year, and transact other important business.

I do not know what the policy was of the former administration, and I am not criticizing it; but the policy pursued by this administration, which I think is a proper one—and probably the gentleman has not had the experience I have—is that when you undertake to secure the appointment of a district attorney, the first question asked by the Attorney General or those who represent him is whether or not he will agree to give all of his time to the office of district attorney. In other words, they are not satisfied—and I have no doubt that is the correct policy—to appoint a prominent lawyer to the office of district attorney if he will not agree to give all of his time to the office, or if he is to devote part of his time to professional duties not connected with his office. I have had this experience recently: A prominent lawyer in my district desired to be appointed district attorney; he desired to have the appointment more in recognition of his services to the party and on account of his position at the bar and the honor of the office than for any salary attached to it. He was asked the question if he would devote all of his time to the office. The Assistant Attorney General inquired of me how a man of that standing and position in the legal profession could agree to devote all of his time to the office at a salary of $3,500. I replied that he desired the office not for the salary, but for the honor of the position. His practice paid him more than that, but we happened in this case to be able to present a lawyer who was willing to serve the Government in an honorable position and to be recognized as a part of the Democratic administration, and because he had served the party loyally for many years as a member of the Democratic Party as State chairman. I said, "I do not see how he could afford to take it, but he desires the office in order that he may discharge the duties of it under this administration." So I say again, I do not believe any of the salaries of these district attorneys are commensurate with the duties of the office and in many instances do not secure that class of lawyers that ought to be appointed to fill such a high and important position, where they have to contend with the ablest lawyers of the country.

The CHAIRMAN. The time of the gentleman from New York [Mr. CALDER] has expired.

Mr. CALDER. Mr. Chairman, I ask unanimous consent for about three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. It will not do to say that because there are some prominent and able lawyers who do accept this office and who do perform satisfactorily the duties of it that therefore the salary is enough, and if they do not like it they need not

apply for it. Members of the legal profession, which is a high and noble profession, have something else in view rather than the dollars that can be made out of it. There is something else to be attained in this honorable profession of a lawyer than the mere money he can make out of it. So far as I am concerned, I think the gentleman from New York [Mr. CALDER] is right in endeavoring to give to this office in New York a salary commensurate with the duties to be performed, and which should attract to that office the very best legal talent that we can secure. The fact that the salaries are not made higher in my district or in my State will not prevent me from supporting the gentleman's amendment.

Mr. CALDER. Mr. Chairman, I thank the gentleman for his interruption. He has stated the case a great deal better than I could. I simply want to add this for the information of the gentlemen present: We have two district judges in this district constantly employed in trying cases, and this office has four assistant district attorneys in addition to the district attorney. It is very difficult to get the type of men that we require to transact the business.

In conclusion, Mr. Chairman, I want to call attention to the fact that the business transacted in the office of the United States district attorney for the eastern district of New York is much greater than that transacted in the eastern district of Pennsylvania, which includes the city of Philadelphia, where the salary is $6,000. The United States district attorney's office in Brooklyn is filled by the Hon. William J. Youngs, a very able lawyer and a man who has filled the place most acceptably. If it were not for the fact that he has other means, he could not afford to hold the place, and when his term expires it will be very difficult to get another man for the position who is anywhere near his equal unless the compensation is increased. I sincerely trust my amendment will be agreed to.

Mr. BROWN of New York. Mr. Chairman, I do not wish long to delay the committee from the consideration of this bill to codify, revise, and amend the laws relating to the judiciary, which bill is some 194 pages in length, but I can not let pass this opportunity to say a few words in support of the amendment offered by my colleague from New York [Mr. CALDER]. His amendment, as the members of the committee will recollect, is to increase the salary of the United States attorney for the eastern district of New York from $4,500 a year to $6,000 a year.

To bring the matter home to the committee, I will state that the population of Kings County, which comprises the old city of Brooklyn, now a part of Greater New York, according to the advance sheets just published by the Census Bureau, has reached the amazing figure of 1,833,696; the population of Queens County, also included within the city of Greater New York, is 339,886; the population of Richmond County (Staten Island), which is also included in the city of New York, is 94,043; the population of Nassau County, which lies within the first congressional district, according to the census of 1910, was 83,930; and the population of Suffolk County, which also lies within the first congressional district, was 96,138. Therefore the combined population of the area included within the eastern district of New York reaches the huge figure of 2,447,693 persons.

The committee will readily understand that the civil cases alone tried in this district in themselves are sufficient to entitle the district attorney to his present compensation, entirely aside from the criminal suits continually being prosecuted by him.

The distinguished gentleman from Georgia [Mr. BARTLETT], a member of the Appropriations Committee, has taken occasion to refer for the sake of comparison to the business done in the eastern district of Pennsylvania, which includes the city of Philadelphia. I notice from the report of the Attorney General for the fiscal year ended June 30, 1913, that in the eastern district of Pennsylvania, where the United States attorney receives a salary of $6,000 and his three assistants receive a total of $8,000, the number of cases commenced was 277, as against 220 in the eastern district of New York, where the three assistants of the United States attorney receive only $6,400 a year, but that during this same period 166 cases were terminated in the eastern district of New York as against 110 in the eastern district of Pennsylvania. Curiously enough, the judgments rendered in favor of the United States varied only $100 in the two districts, this difference being in favor of the eastern district of New York. Ten years ago in the eastern district of New York there were but 98 suits pending, whereas last year there were 192 suits pending.

The Federal Government has already recognized the increase in the amount of business to be done in the courts by assigning an additional judge to the eastern judicial district, so that there are now two judges continually trying cases in the city of Brooklyn. Mr. Chairman, while I believe that the mere presentation of these figures should be adequate to show the reasonableness of the amendment now pending before the committee, yet I desire to state further that under the present administration it is required of the United States attorney that he shall devote his entire time to the business of the Government. In the eastern district of New York the district attorney is confronted with the ablest lawyers in New York City, who have retainers from the corporations who employ them, in many cases, I should judge, amounting to over $50,000 a year. New York attracts the best legal talent from all over the country, and it is a fact known to all that, while the scale of living in New York may be higher than in most other places, the compensation paid the man of brains and ability is more than commensurate with the scale of living. If the Government is to be represented by a district attorney able to meet on an equal basis the best legal brains in the city, he should receive at least a reasonable compensation as judged by the standards of the locality.

While it is eminently fitting that this amendment should be proposed by the only Republican Congressman within the eastern district of the State of New York, it is no less fitting that the responsible majority party should take to itself the credit of enacting into law this much-needed increase in compensation. The present district attorney is a Republican, of whom no man—in my presence, at least—has said anything but good. If this amendment shall speedily be enacted into law, as I hope it may, he will receive the benefits of it during the remainder of his term of office. I am both glad and proud to have some little part in recognizing the distinguished services of a man who has served his country, no less than his party, these many years with great credit to himself and with entire satisfaction to his country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CALDER].

The amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I move, on page 26, line 18, to strike out the words "three thousand five hundred" and insert "four thousand."

Mr. STAFFORD. Mr. Chairman, I wish to be recognized in opposition to the amendment, if no one wishes to speak in favor of it. Of course, every Member here—and there are not many here, not more than 25—can rise and propose amendments to increase the salary of the district attorneys of their respective districts. I do not know what the position of the chairman is going to be toward this program, but, of course, if we are going to make a wholesale increase of salary——

Mr. BARTLETT. Only one amendment offered now.

Mr. STAFFORD. Yes; but there will be many more.

Mr. IGOE. I have one.

Mr. STAFFORD. The gentleman from Missouri says he has one. We are going to load down this bill, and the result will be that instead of it being a codification it will be a bill for the increase of salaries.

Mr. IGOE. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. IGOE. Do you not believe it will be a good time to increase the salaries of these officers, if they need to be increased?

Mr. STAFFORD. The gentleman has been here long enough to know that it is not the regular way to raise salaries.

Mr. IGOE. You can not do it on an appropriation bill.

Mr. STAFFORD. The Judiciary Committee has reported to the House a bill revising the salaries of the clerks of the United States courts, and the salaries recommended will curtail their income under the present fee system. If there is merit in these respective propositions, they should go through the regular channel and not be submitted here haphazardly for the judgment of this very meager assembly.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman just a moment?

Mr. STAFFORD. If the Members are going to proceed with this policy, I serve notice now that there must be a quorum present.

Now, the gentleman from New York [Mr. CALDER] advanced a very meritorious case, and——

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Not at the present time. I took occasion to send for the report of the Attorney General, in order to compare the work in that district with the work in the only other district in the country where the district attorney is receiving $6,000, namely, in the eastern district of Pennsylvania. The work done in the eastern district of New York was nearly twice as much as that done in the eastern district of Pennsylvania. I thought the gentleman made out a very meritorious case. I was waiting to hear from the chairman of the committee as to his policy. Perhaps he is waiting to have each

one who is concerned with our respective district attorneys and looking after their interests to rise here and move to increase their salaries; but I say to the chairman of the committee and to the other Members here that it is not fair to the Members who are absent to take them unawares and report these increases in this way. If this practice is going to be continued, I serve notice that it will require a quorum to go on with the consideration of this bill.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GARRETT of Texas. Why does the gentleman say that it is not fair to the absent Members when they are well aware that this bill is now under consideration?

Mr. STAFFORD. Because in the consideration of similar bills it was the policy of this House not to pursue any such practice, and because the chairman of the committee stated that it was not to be the policy to amend this bill in any unusual manner.

Mr. BARTLETT. May I interrupt the gentleman to say that it was upon a bill identical with this that the salaries of the Supreme Court judges were increased?

Mr. STAFFORD. Yes; and they were increased at a time when there was not a quorum present, when the Members were downstairs at luncheon. I well remember that occasion, and the committee was taken unawares, as the committee is now being taken unawares. If that is the policy, well and good. Let us have a quorum here.

Mr. BARTLETT. Mr. Chairman, I dissent from the statement of my friend from Wisconsin that this is not the proper place to do it. This is the proper place in which it should be done. This is a bill revising the Judicial Code of the United States, providing for the officers and the salaries of these officers. It is a bill which provides for the offices of district attorneys in the various districts and the salary attached to each, like the other Judicial Code bill, providing for the courts and the judges and the salaries of the judges; and it was in that very bill that we fixed the salaries of the judges of the Supreme Court in 1911, providing the salaries that they now receive. At that time the salary was only $12,000. Nobody ought to be taken unawares, Mr. Chairman. Every Member of the House knows, or should know, that this bill is now being considered. Less than two hours ago we had a call of the House, in which two hundred and odd Members were present.

Mr. STAFFORD. That was before the ball game began.

Mr. BARTLETT. Well, Mr. Chairman, the gentleman from Wisconsin knows as well as I do, from his experience and service in this House, that all legislation, especially the details of a bill in this House, in this Congress, are worked out by the few faithful men who stay and give attention to business, as the gentleman from Wisconsin always does.

Mr. STAFFORD. I thank the gentleman.

Mr. BARTLETT. The gentleman from Wisconsin, whether there is a ball game going on or not, or any other amusement, is here attending to the duties that his constituents have intrusted to him.

Mr. STAFFORD. I appreciate the bouquets which the gentleman is handing me, but I shall not be swerved thereby from my position.

Mr. BARTLETT. I am not attempting to swerve the gentleman from his position. He knows and everybody else knows that it is true that he, among others who remain here, is endeavoring to perform his duty as best he understands it.

Take the State of Georgia. The gentleman will see that it is divided into two districts, the northern and the southern. In the northern district the district attorney gets $5,000, and in the southern district he gets $3,500.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Indiana?

Mr. BARTLETT. I do.

Mr. COX. What is the comparison between the business in the northern district and that in the southern district?

Mr. BARTLETT. I have not the report of the Attorney General before me. I did not anticipate that the question would be brought up. But it is not so disparaging as to pay one $3,500 and the other $5,000.

Mr. COX. Will the gentleman yield to another question?

Mr. BARTLETT. Yes.

Mr. COX. Was there any trouble in finding good lawyers who would be glad to fill the place in the southern district of Georgia?

Mr. BARTLETT. We have only had the chance in 20 years to find a man. We are trying now to find somebody.

Mr. COX. Has the place been filled by a Democrat?

Mr. BARTLETT. No; it is not now filled by a Democrat.

Mr. COX. Can the gentleman inform me how many applicants there are for that job?

Mr. BARTLETT. There are four.

Mr. COX. I presume they are good lawyers?

Mr. BARTLETT. They are very good. But the Democrats are willing to serve the Democratic Party and the country for very small pay, and are willing to serve for an amount of pay which would be very large pay to a Republican in my country.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. BARTLETT. Yes.

Mr. GARRETT of Texas. I was just going to ask my friend from Georgia as to the difficulty in finding men to fill the places, so far as he is concerned. Would he have any difficulty in finding men who would be willing to come here as Members of Congress at that salary?

Mr. BARTLETT. A great many would come, and some would be willing to come at one-half the present salary, and be well paid, at that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DONOVAN. Mr. Chairman, is it necessary for me to make a pro forma motion?

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. DONOVAN. Just a word, Mr. Chairman. How is that we get back to page 26? I thought that had been passed. By what sort of legislative proceeding do you turn back? We acted upon fixing the salary of the district attorney in one of the New York districts, and now by some species of legerdemain you go back.

Mr. BARTLETT. No. That is in the same paragraph.

The CHAIRMAN. There are three pages in this paragraph. The paragraph was read, and it is subject to amendment.

Mr. DONOVAN. Mr. Chairman, I did not expect you to answer the question. I supposed some of these legislative sharps around here would be able to answer. This bill, as I understand, Mr. Chairman, is read by the clerks; and, of course, they read it in rotation. All that part has been read and passed, and we were up to page 27, line 20. Now, this gentleman gets up here, on account of the success of the Member from the Brooklyn district in getting an increase of salary for an official there, and he takes it upon himself that no one will notice it, and goes back and offers an amendment.

Mr. BARTLETT. The gentleman is mistaken about that.

Mr. DONOVAN. The gentleman can take his seat for a moment. He has lots of time to talk. Now, let us see who is it we are raising the salary for? We might as well have a little truth. No one can deny that this court is to the United States a petty court; that it bears the same relation as a petty court to a State.

The principal part of its business is the trial of cases of infringements of the public acts. What are they? How much ability and brains does it take to fine a man who has failed to destroy the stamp on a cigar box? How much ability and brains does it take for the United States to secure a conviction and fix the penalty on some one who has not procured his special license for the sale of whisky? How much brains and ability in a lawyer does it take to punish some one for sending scurrilous matter through the mails on a post card? As I say, these are comparatively small matters. The salaries mentioned are, as a rule, ample, and lawyers are nearly committing murder in order to get appointed to these positions. Even my friend the gentleman from New York [Mr. GOLDFOGLE] is having his life made a burden the way they are beseeching him, trying to get an appointment for some lawyer in his locality. He is unable to attend to the duties of his office as Congressman on account of the greed of the legal brethren. My friend from Georgia [Mr. BARTLETT] rose from his seat, violating the legislative rules of procedure, on account of the gentleman from New York [Mr. CALDER] pulling a piece of pie out of this little legislative proceeding, and he tackles it and offers an amendment. Now, I am going with the gentleman from Wisconsin [Mr. STAFFORD], and if you are going to do this business you shall do it officially, with a sufficient number, right now.

Mr. COX. Mr. Chairman, I move to strike out the last word. I am in absolute sympathy with the statement made by the gentleman from Wisconsin [Mr. STAFFORD], and desire to back him up, that if you get any more of these increased salaries through here you have got to do it with a quorum. I did not oppose the motion of the gentleman from New York [Mr. CALDER], because I was looking to the chairman of the codifica-

tion committee, who brought this bill in here, to oppose the amendment.

Mr. WATKINS. Will the gentleman yield for an interruption?

Mr. COX. Yes; I will.

Mr. WATKINS. I have investigated the question and have ascertained the immense amount of work that is done in that district, and am surprised that a greater increase was not asked for. The work there thoroughly justifies the increase.

Mr. COX. I sat quietly by waiting for the chairman to oppose the amendment or to make some statement in explanation of his position, but I never heard him open his mouth. It has been my observation upon the floor of this House that when amendments are offered to a bill the man in charge of the bill makes a statement about it one way or the other, either opposing the amendment or admitting it. I know that the man who stands upon the floor of this House and says one word in behalf of the Treasury of the United States is engaging in a thankless task. He is met with the statement that persons could be got to come here to Congress at half the salary we are drawing, and I say that could be done, and probably with greater ability than the average membership of this House.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. COX. Just for a minute.

Mr. BARTLETT. I did not intimate anything of that sort. I said that those people who would come here for that amount would be well paid for the kind of service they could render.

Mr. COX. Master minds like Daniel Webster, Henry Clay, John C. Calhoun, and Thomas H. Benton never drew to exceed $8 per day, either as Members of this House or of the other body, and they only drew that $8 per day when Congress was in actual session. I do not subscribe to the doctrine that you have got to pay tremendous salaries before you can get a man commensurate to fill a job or a position. That rule may hold good in certain sections of this country, but it is the exception and not the rule. In Indiana the position pays only $5,000 a year, and yet I know that there was a tremendous struggle among men of my party out there to get that job, since this administration went into power, and I know that one of the ablest men of the bar of the State of Indiana was finally selected to fill that place, a man about whom there is no question but what he can go into any city and earn from $10,000 to $15,000 a year. And yet he took the job. That was a matter of his own concern. Why he wanted it I do not know, but he took it.

Mr. BARTLETT. Will the gentleman yield?

Mr. COX. For a question.

Mr. BARTLETT. Does not the gentleman think that this lawyer he refers to in Indiana would consider it somewhat of an honor to be a part of this great Democratic administration?

Mr. COX. I have no idea of what his controlling thought was. It evidently was not money; it probably was power. There are no doubt men in this House serving on a salary of $7,500 a year who, if they would stop and go into some business, would earn four times that amount of money. So it is not money all the time that men struggle for; it is power, influence, position. I do not subscribe and never have subscribed to the doctrine that we ought to pay salaries in order to get high-class, brainy men, because you will get them with the salaries that they are drawing at the time they are appointed.

Besides, here is another thing which is an evil everywhere: Men know when they are elected to the office, or when they are appointed to the office, exactly what the salary is, but immediately they begin a crusade to get the salary increased. That is true in my State, and I imagine it is true in other States in this Union. They know what the salary is before they are elected, but as soon as they are elected they conceive the idea of their great and grave importance, and they rush off to the legislature or Congress and exert themselves to get their salaries increased.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COX. Men who are seeking these appointments now as district attorney know exactly what their salaries will be and they are willing to accept them, willing to work under them, and yet we are asked to increase them. But, as I said a while ago, the man who opposes these increases of salary, who says a word in behalf of the Treasury of the United States or of the taxpayers, is flaunted right and left, is ridiculed in every conceivable way that it is possible to ridicule him.

For one, Mr. Chairman, while I am on the floor of this House—and I am usually here—whether the chairman of the committee opposes the increases or not, you will never get another one through until you have a quorum to get it in. If we have to stand here when the roll is called every 30 minutes, it is going to be called. Because here is the place to do it, here is the bill, here is the foundation on which to build your increase of salary, and here is the time to do it. Because Members are absent is no reason why you who are interested in the increase should not offer them, and if they are offered a quorum is going to be called for, and if Members are in the city these proposed increases in salaries are going to be put in or defeated, one way or the other. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, in making an inquiry a moment ago of the gentleman from Georgia, I did not mean to cast any reflection on the integrity or the fidelity of any Member of this House. The gentleman from Indiana [Mr. Cox] seems to have taken exception because I asked the question if the gentleman from Georgia did not think that there were men who would come to Congress for half the price now provided by law. I think that there are men who would come to Congress, and be glad to get here, free of charge, not to serve the country but to serve some other special interest while they were here. [Applause.]

I believe that there are men who would be glad to be appointed district attorney, free of charge, in order that they might serve some other special interest rather than that of the Government of the United States. My query was in reply to a statement made by the gentleman from Indiana when he seemed to predicate his objection to this increase on the ground that some men might be found that would want the job and would be willing to take it. I do not know whether there was merit in the New York cases or not. I do not think the gentleman from Georgia would offer an amendment that he did not conscientiously believe was right and proper, but, Mr. Chairman, I have observed in the short time that I have been in this House that the loudest cry is made against the increase of salary of some little clerk or doorkeeper on some proposition to raise the salary of some little officer $100, but when you come to the great appropriation bills carrying hundreds of millions of dollars they pass the House without a roll call. I saw that very thing done less than a month ago—a bill passed this House appropriating over $100,000,000 out of the Treasury of the United States and not a man raised his voice against it or questioned one item in it. And yet men get up on the floor of this House, if you attempt to raise the salary of some worthy man to a living wage, and attempt to belittle men who are simply desirous of paying public officials a reasonable compensation for their services.

As far as I am concerned I am willing that every public servant should be paid a reasonable salary for honest services rendered the people. As far as the question of a quorum is concerned, I believe that there ought to be a quorum here every day when the House convenes, and that it should be kept here, and that Members should be in their seats all the time to transact the public business. [Applause.]

Mr. METZ. Mr. Chairman, I move to strike out the last two words. I have listened with very much interest to what the gentlemen have said, and I quite agree with what they have said as to the value of the services that these gentlemen render. I know the conditions in the Brooklyn office, and I am very glad that the amendment in respect to that office has been agreed to.

I ask unanimous consent to extend my remarks in the RECORD upon the subject of salaries.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DONOVAN. Mr. Chairman, I am going to raise the point of order that we have no right to consider this matter. It has been passed. We have passed the page to which the amendment is offered, and we are up to line 21, on page 27. We can not go back this way promiscuously and offer amendments. The gentleman can ask unanimous consent to go back and make the motion.

Mr. BARTLETT. Mr. Chairman, there is no point of order in that.

Mr. DONOVAN. The gentleman should ask unanimous consent to go back and make his motion.

Mr. BARTLETT. Mr. Chairman, the gentleman is mistaken in respect to that. Let me proceed for just a moment and I am satisfied that when the gentleman's attention is called to it he will realize the error into which he has fallen. On page 26, line 1, section 59 begins, and on page 28, line 24, section 59 ends. In that section, which is all one paragraph, are contained provisions for the salaries for all of the district attor-

neys, commencing with Alabama and ending with Wyoming; and in that section is a provision for the salary for the district attorney for the eastern district of New York and for the southern district of Georgia. They are all in one paragraph, all in one section; and we have proceeded no further than that section.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard upon the point of order?

Mr. DONOVAN. Just one word. We are now reading this bill for amendment under the five-minute rule. We have read all of that portion to which the amendment has been offered. We have gone by it.

Mr. BARTLETT. We have not got by it.

Mr. DONOVAN. And we have gotten down to line 21, on page 27. That is our legislative proceeding—we are reading the bill for amendment. We have passed that page of the bill, and if the gentleman desires to make the motion he should ask unanimous consent to go back so that he may offer it at the proper point. That is all I care to say.

The CHAIRMAN. The Chair will state upon the point of order made by the gentleman from Connecticut that under the rules and practices of the House, in the reading of a bill the second time for amendment, it is read by paragraphs. This paragraph now before the committee covers three pages. The entire paragraph has been read, and when read it is subject to amendment in any part of it.

Mr. DONOVAN. Mr. Chairman, will the Chair permit an interruption?

The CHAIRMAN. Yes.

Mr. DONOVAN. The rules do not require a second reading. You have to get unanimous consent to have the Clerk report it again. It has to be by unanimous consent after we have gotten by a point.

The CHAIRMAN. The bill is being read now for the second time. The entire paragraph or any part of it is open to amendment. It is not necessary that the amendments should be offered first to the first part of the paragraph, and so on. An amendment could be offered to the last paragraph first or to the first paragraph last. Any part of the entire paragraph is subject to amendment at any time until the entire paragraph is finally passed. This entire paragraph is now before the committee, and the point of order is overruled.

The question is on the amendment offered by the gentleman from Georgia.

Mr. DONOVAN. Mr. Chairman, is not the chairman of the committee that has this matter in charge going to say anything?

Mr. STAFFORD. Let us have a vote, so that we may see what the feeling of the committee is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 15, noes 15.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, I wish to state that, in view of the fact that I have been notified that there will be some other amendments to this section, and in view of the fact that it has been stated that a quorum would be demanded in case there were other motions made along this line, I move that the committee do now rise.

Mr. MURDOCK. I think the gentleman ought also to state that it is now 5 minutes of 5 o'clock.

Mr. STAFFORD. Mr. Chairman, it was not my purpose to make the point of no quorum if the motions were defeated.

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana that the committee do now rise.

Mr. MURDOCK. Division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 30, noes 11.

So the motion that the committee rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had come to no resolution thereon.

SUPPLEMENTING EXISTING LAWS AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. CLAYTON]. [Applause.]

Mr. CLAYTON. Mr. Speaker, I desire to call the attention of the House to the fact that I have this day made a report on the bill H. R. 15657, a bill which is entitled "To supplement existing laws against unlawful restraints and monopolies, and for other purposes."

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MURDOCK. Does that now complete the bills on trust matters that the gentleman will report?

Mr. CLAYTON. I think it does. I think I may say that this bill is comprehensive and embraces the subject matter which was contained in the several tentative bills which the committee had under consideration and with which the gentleman from Kansas is familiar.

Mr. BARTLETT. Does it include the bond-issue proposition?

Mr. CLAYTON. No. The Committee on the Judiciary did not have jurisdiction of that subject. That belongs to the Committee on Interstate and Foreign Commerce.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. STAFFORD. Can the gentleman inform the House as to his plans for early consideration of the bill?

Mr. CLAYTON. I have asked the Committee on Rules to bring in a special rule for its early consideration.

Mr. STAFFORD. What is the form of the rule as expressed in the request of the gentleman?

Mr. CLAYTON. Well, it is in the usual form in like cases.

Mr. STAFFORD. How much time for debate?

Mr. CLAYTON. It was suggested by this rule that general debate should be had for 16 hours and 4 hours under the five-minute rule. It has since been suggested that perhaps it would be wise for the Committee on Rules to amend the latter proposition so as to make the time for debate under the five-minute rule longer than 4 hours.

MEMORIAL EXERCISES, BROOKLYN NAVY YARD, N. Y.

The SPEAKER. The House this morning passed a concurrent resolution (No. 39) authorizing the Speaker to appoint 15 Members to go to the funeral exercises of the sailors and marines killed at Vera Cruz. The Chair finds on investigation there are 18 of them and he wants to appoint Members from each district that had one, and in addition to that he would like to appoint the gentleman from New York [Mr. FITZGERALD] who introduced the resolution, the gentleman from New York [Mr. CALDER] who is the only Republican Member from New York, and Mr. MAHER, who represents that navy yard where these services are to take place, so the Chair would like to appoint 21 Members.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the concurrent resolution was passed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to reconsider the vote by which the concurrent resolution was passed. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the resolution may be amended so as to provide for 21 Members.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the resolution be amended so as to provide for 21 Members. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, did we understand the Chair correctly to say that it was the desire of the Chair to appoint a Member from each district from which came one of these men who fell at Vera Cruz?

The SPEAKER. Yes.

Mr. GOLDFOGLE. The reason I asked that is that one of the men from my district fell there, and I wanted to be certain.

The SPEAKER. The Chair would request all Members in whose district one of these sailors or marines lived to inform the Chair, so that he can get the name. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The question was taken, and the resolution as amended was agreed to.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 5445. An act for the relief of Gordon W. Nelson;

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists; and

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

LEAVE OF ABSENCE.

By unanimous consent, Mr. JACOWAY was granted leave of absence, for two days, on account of serious illness in his family.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned to meet to-morrow, Thursday, May 7, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of mouth of Bayou St. John, Orleans Parish, La. (H. Doc. No. 963); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Rock River, with a view to securing a channel 7 feet deep from the dam at the head of the feeder of the Illinois & Mississippi Canal, at or near Sterling, Ill., to the city of Janesville, Wis.; also with a view to ascertaining whether, for the maintenance of navigation, storage reservoirs are necessary at or near the headwaters of said river, and to determine what portion of the cost of said improvement should be borne by owners of water power and others (H. Doc. No. 964); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation in the sum of $25,000 required for the service of the War Department for the fiscal year ending June 30, 1915 (H. Doc. No. 965); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Assistant Secretary of Commerce reporting, under section 4, act June 17, 1910 (36 Stat., p. 537), claim for damages which has been considered, adjusted, and determined by the Commissioner of Lighthouses in favor of the Fleming Contracting Co., of New York (H. Doc. No. 966); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting supplementary estimate for the public-building work within the limits of cost previously authorized (H. Doc. No. 967); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLDFIELD, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 257) authorizing the Commissioner of Patents to exchange printed copies of United States patents with the Dominion of Canada, reported the same without amendment, accompanied by a report (No. 624), which said joint resolution and report were referred to the House Calendar.

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 15799) to provide for stock-raising homesteads, and for other purposes, reported the same without amendment, accompanied by a report (No. 626), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, reported the same with amendment, accompanied by a report (No. 627), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 962) for the relief of William H. Shannon, reported the same with amendment, accompanied by a report (No. 625), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1432) granting a pension to Martha J. Curry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12949) for the relief of William S. Colvin; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 7455) granting an increase of pension to William T. Marshall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11729) granting an increase of pension to Effie Haywood Woodruff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 16322) amending sections 476 and 477 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. DILLON: A bill (H. R. 16323) to amend section 237, chapter 10, of the Judicial Code; to the Committee on the Judiciary.

By Mr. HELGESEN: A bill (H. R. 16324) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement; to the Committee on Ways and Means.

By Mr. ASWELL: A bill (H. R. 16325) to waive any and all claims of the United States to lands within the private-land claims located in township 6 north, range 3 west, in the State of Louisiana; to the Committee on the Public Lands.

By Mr. MOORE: A bill (H. R. 16326) to increase the pension of those who lost limbs in the military or naval service of the United States during the Civil War of 1861 to 1865, inclusive; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. CARLIN: A bill (H. R. 16328) to authorize the use of the property of the United States at Mount Weather, near Bluemont, Va., as a summer White House; to the Committee on Agriculture.

By Mr. SABATH: Joint resolution (H. J. Res. 261) for the appointment of a committee to attend the funeral ceremonies over the bodies of the Nation's dead who fell at Vera Cruz, to be held at New York City, Monday, May 11, 1914; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 16329) for the relief of Jackson Brown; to the Committee on Military Affairs.

By Mr. BATHRICK: A bill (H. R. 16330) granting a pension to Florence Wood Hayden; to the Committee on Invalid Pensions.

By Mr. FITZHENRY: A bill (H. R. 16331) granting a pension to Samuel Stauffer; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 16332) granting a pension to Sarah B. Scott; to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: A bill (H. R. 16333) granting a pension to Joanna C. Roper; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 16334) granting an increase of pension to Joseph E. Freeston; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16335) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 16336) granting a pension to Charles Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16337) granting an increase of pension to Orra M. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16338) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 16339) granting an increase of pension to Mary E. Davis; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 16340) granting an increase of pension to Amelia Lefferson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 16341) granting an increase of pension to Romain M. Hawkins; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16342) granting a pension to Elizabeth Jordan; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 16343) granting a pension to William H. Whittaker; to the Committee on Pensions.

By Mr. WOODRUFF: A bill (H. R. 16344) granting an increase of pension to Hezikiah B. Hulbert; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Cores Fratries Association of Cosmopolitan Clubs, protesting against section 47 of the immigration bill, No. 103; to the Committee on Immigration and Naturalization.

Also (by request), petition of sundry citizens of Grove City, Pa.; Upland, Cal.; Harvard, Ill.; Glen Alpine, N. C.; Benzonia, Mich.; Biddeford, Me., and West Lebanon, Ind, protesting against practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Silex, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of the American Society of Landscape Architects, protesting against ending the half-and-half plan of taxation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AINEY: Petition of 19 voters of Bridgewater, Pa., and 26 voters of Falls, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of William Miller and 138 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Hamilton County (Ohio) Woman's Suffrage Association and the Susan B. Anthony Club, of Cincinnati, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petitions of sundry citizens of Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of the suffrage associations of Henry and Putnam Counties, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the suffrage clubs of Coshocton and New Philadelphia, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of Dr. F. S. Hoover, of Brownsville, Pa., protesting against amendment to House bill 6282; to the Committee on Ways and Means.

Also, petition of L. C. Bailey, of Saxton, Pa., favoring passage of House bill 13305, relative to setting prices at which goods may be sold; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Chester, Pa., protesting against Federal ownership of the telephone and telegraph; to the Committee on Interstate and Foreign Commerce.

Also, petition of various voting citizens of Summerhill Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petition of sundry citizens of the second congressional district of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of 450 citizens of Wildwood, N. J., and sundry citizens of Fairton, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARTON: Petition of the Nebraska Church Federation, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Grand Island (Nebr.) Commercial Club, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWN of New York: Petitions of 384 citizens of the first congressional district of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Suffolk County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 22 citizens of Camden; 62 citizens of Williamstown; 25 citizens of Sewell; 60 citizens of Barnesbow; 50 citizens of Aldine; and 57 citizens of Haddon Heights, Audubon, and Clementine, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Eighth Ward Branch, Socialist Party, of Camden, N. J., relative to strike conditions in Colorado; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of John Hoelzel, the George N. Remhardt Co., and Fred Burker, all of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of C. Klein, of New York, and Rupert Fichte, of Bedford Park, N. Y., favoring the passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the American Federation of Labor, relative to amending House bill 15657; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany House bill 16321, for increase of pension to Margaret A. Bennett, widow of R. A. Bennett; to the Committee on Pensions.

By Mr. CARTER: Petition of the United Mine Workers of America, of Adamson, Okla., relative to intervention in mine troubles in Colorado; to the Committee on the Judiciary.

By Mr. COOPER: Petition of sundry citizens of Franksville, Wis., favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Franksville, Wis., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Sharon, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Milwaukee County, Wis., favoring equal suffrage; to the Committee on the Judiciary.

By Mr. CRAMTON: Petitions of H. E. Runnels & Son, of Port Huron, Mich., and the Owl Drug Store, of Mount Clemens, Mich., asking the passage of the Stevens bill (H. R. 13305) for the fixing of standard prices; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petitions of 45 citizens of Stockton, 3 citizens of Martinez, and 101 citizens of Napa, all in the State of California, against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the New Canaan (Conn.) Equal Franchise League, favoring woman suffrage amendment to Constitution; to the Committee on the Judiciary.

By Mr. DYER: Memorial of a street meeting in Washington, D. C., favoring report on House resolution No. 1, enfranchising women; to the Committee on the Judiciary.

Also, petition of Anton Kucera and members of Glass Bottle Blowers, Branch No. 5; F. Hy Koch, James H. McTague, and E. W. Dunn, all of St. Louis, Mo., against prohibition; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of the United State of America, favoring law establishing a court of patent appeals; to the Committee on Patents.

Also, petition of M. B. McMullen, of Mojave, Cal., favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, memorial of the National Association of Vicksburg Veterans, relative to aid, etc., in the reunion of the North and South to be held at Vicksburg, Miss.; to the Committee on Military Affairs.

Also, petition of the Socialist Party of St. Louis, of St. Louis, Mo., relative to investigation of mining troubles in Colorado; to the Committee on the Judiciary.

By Mr. ESCH: Papers in support of House bill 16220, granting an increase of pension to Edward K. Hill; to the Committee on Invalid Pensions.

Also, papers in support of House bill 16278, granting a pension to Adelaide Doty; to the Committee on Invalid Pensions.

By Mr. FESS: Petition of the Research Club of Georgetown, relative to erection of a monument to U. S. Grant in Georgetown, Ohio; to the Committee on the Library.

Also, petition of the Woman's Christian Temperance Union and Woman's Franchise League of Logan County, Ohio, demanding action on the suffrage amendment; to the Committee on the Judiciary.

By Mr. GARNER: Petitions of 300 citizens of Brownsville, Tex., and 250 citizens of Harlingen, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Memorial of the Board of Trade of Chester, Pa., opposing Government ownership of public utilities; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Shirleysburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Resolution adopted by the Erie Foundrymen's Association, of Erie, Pa., protesting against the enactment of legislation as proposed by the so-called omnibus antitrust bill; to the Committee on the Judiciary.

By Mr. HART: Petition of various voters of the sixth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New Jersey and Kingsland (N. J.) Methodist Episcopal Church Brotherhood, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of Carrollton, Wash., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. IGOE: Petition of A. H. Moss, St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of the First Baptist Church and Bible School of Lonsdale, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Petitions of the Presbytery of Riverside, Cal.; sundry citizens of Pasadena; the Pentecostal Church of the Nazarene, of Cucamonga; and the California "Dry" Federation, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of the fifteenth congressional district of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of various voters of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Memorial of the Evansville Manufacturers' Association, of Evansville, Ind., protesting against further extension of the Parcel Post System; to the Committee on the Post Office and Post Roads.

By Mr. McCLELLAN: Petition of 46 citizens of the twenty-seventh congregational district of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the Board of Trade of Chester, Pa., opposing Government ownership of public utilities; to the Committee on the Judiciary.

Also, resolution of the Erie Foundrymen's Association, protesting against hasty consideration of so-called trade-commission bills; to the Committee on the Judiciary.

By Mr. MORIN: Petitions of sundry citizens of Pittsburgh and others of the State of Pennsylvania and the Angelo Myers Distillery, of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOSS of Indiana: Petitions of 1,965 citizens of Vigo County, Ind., and 124 citizens of Vermilion County, Ind., against national prohibition; to the Committee on the Judiciary.

Also, petition of 86 citizens of Parke County, Ind., favoring House bill 12589 relative to hunting of game; to the Committee on Agriculture.

By Mr. MURRAY of Oklahoma: Petitions of 56 citizens of Ivanhoe, 59 citizens of Chelsea, and the Pentecostal Church of the Nazarene of Isabelle, all in the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Block Island, Newport, and Central Falls, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of 337 citizens of Gardner, 81 citizens of West Brookfield, 275 citizens of Athol, 18 citizens of Westminster, 560 citizens of Barre; 271 citizens of Boylston, 325 citizens of Clinton, 1,700 citizens of Fitchburg, 528 citizens of Leominster, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Pacific Coast Gold and Silversmiths' Association, favoring House bill 13305, the Stephens bill, fixing a resale price; to the Committee on Interstate and Foreign Commerce.

Also, letters from 23 residents of Valley Springs, Cal., protesting against the passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, memorial from the National Association of Vicksburg Veterans, asking for an appropriation from Congress to pay camp expenses of the reunion of Civil War (North and South) veterans, at Vicksburg, October, 1914; to the Committee on Appropriations.

Also, letter from the officials of the American Federation of Labor, suggesting amendments to House bill 15657, relative to antitrust legislation; to the Committee on the Judiciary.

Also, resolutions by the chamber of commerce, San Francisco, Cal., favoring the appropriation of $500,000 for the erection of new buildings for the United States marine hospital in San Francisco; to the Committee on Naval Affairs.

Also, resolutions by the Vallejo Trades and Labor Council, Vallejo, Cal., favoring House bill 11522, by JOHN I. NOLAN, providing for a minimum wage of Government employees of the Mare Island Navy Yard, etc.; to the Committee on Reform in the Civil Service.

By Mr. SUTHERLAND: Papers to accompany bill for relief of Elizabeth Jordan; to the Committee on War Claims.

By Mr. TAYLOR of Arkansas (by request): Petition of sundry citizens of Hot Springs, Ark., favoring Federal motion picture commission; to the Committee on Agriculture.

By Mr. TAYLOR of New York: Petitions of sundry citizens of Suffern, White Plains, Stony Point, and Katonah, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 76 citizens of the twenty-sixth congressional district of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of White Plains and Brooklyn, N. Y., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. TUTTLE: Petition of various voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of Westfield, Madison, Roselle, German Valley, Morristown, and Rahway, all in the State of New Jersey, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Mendham, Summit, Madison, Dover, Chathams, Plainfield, Elizabeth, Cranford, Roselle Park, Boonton, Port Morris, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Delaware High School, of Delaware, Ohio, representing 435 people, in favor of the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Monnett Hall, Ohio Wesleyan University, Delaware, Ohio, representing 130 people, favoring the adoption of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of Florida: Petition of 76 citizens, the Woman's Christian Temperance Union, and the Baptist Young People's Union of Tallahassee, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of sundry citizens of Queens and Kings Counties, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petitions of sundry citizens of Iosco, Crawford, Bay, Arenac, Presque Isle, and Ogemaw Counties, all in the State of Michigan, against national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 7, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that we may feel the sacredness of our citizenship in a land so great and so free. Thou hast called upon Thy servants in this Senate to write the laws of a Christian Nation. We have not yet exhausted the treasure of divine revelation in the making of a nation. So do Thou grant unto them the grace to seek divine help that all Thy will may be written into the laws and into the life of this great Nation.

We remember to-day we are receiving back to their native soil the bodies of the boys of the Navy who gave their lives in obedience to the call of their country. Their blood is a part of the purchase price of the sacred inheritance that we have received. Grant us, we pray Thee, deeper convictions than ever before of our solemn obligations to men and to God, and to be such men as that we may be worthy of the trust that Thou dost commit to us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

EMPLOYMENT OF CONVICTS IN FOREIGN COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to a resolution of November 10, 1913, an additional report from the American consul general at Berlin, Germany, on the employment of convicts in foreign countries, which, with the accompanying paper, was referred to the Committee on Printing.